Complete Surviving Papal Letters and Privileges from the *Saeculum Obscurum* (904-964)

An English Translation

Edited by D.J. Stride

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[1] Includes one letter (D.VI) that is almost certainly John XII (L.XIII).
[2] Three letters as per Jaffé. Zimmermann considers one of these letters to be Stephen VI (896-897).
[3] Seven considered authentic by Migne, three considered dubious. One of these dubious letters pertains to Marinus I (882-884), not Marinus II.
[4] Sixteen considered authentic by Migne, four considered dubious.

Translator's note:

These letters represent a compilation of the *Epistolae et Privilegia*, of the relevant popes, as featured in J.P. Migne's *Patrologia Latina* (volumes 131-133), as translated into English. They are augmented by six Sergius III letters (here numbered A.IV., A.X., A.XI., A.XII, A.XIV, and A.XV) from the *Monumenta Germaniae Historica,* Chevalier's *Documents inédits des IXe, Xe et XIe siècles relatifs à l'Église de Lyon*, *Anzeiger für Kunde der deutschen Vorzeit, Bulletin de la Société des Sciences Historiques et Naturelles de l'Yonne, I papiri.* and Harald Zimmermann's *Papsturkunden.* They are further augmented by three John X letters (here numbered D.III., DVII, and D.VIII.) from Floss, *Die Papstwahl unter den Ottonen*, and three further John X letters (here numbered D.VI., D.XIV., and D.XXIII) from Liverani, *Delle opere di monsignor Francesco Liverani*, albeit that D.VI is almost certainly John XII's L.XIII. Four John X letters (D.IV, D.V, D.XI, and D.XIX) are from Zimmermann. One Stephen VII letter (F.III) has been added from Zimmermann also, along with two John XI letters (G.II and G.III). Nine Leo VII letters have been added from Zimmermann (H.IV, H.VI, H.XVIII, H.XIX, H.XX, H.XXI, H.XXII, H.XXIII, and H.XXIV), as have two Stephen VIII letters (I.II and I.III), two Marinus II letters (J.X and J.XI), and six Agapetus II letters (K.IX, K.X, KXI, KXV, KXXII, and KXXIII). Four John XII letters (L.V, L.VI, L.X, and L.XVII) have been added from Zimmermann. The fragments of John XII's 964 Synod (L.XXV) are reconstructed from Zimmermann and Horace K. Mann, *The Lives of the Popes in the Early Middle Ages.*

A superior version of John X's letter to Unni of Hamburg (incomplete in Migne; here numbered D.IX) has been sourced from Liljegren's *Diplomatarium Suecanum.* Superior versions of D.XX, D.XXI, and D.XXII have similarly been sourced from Liverani's *Delle opere di monsignor Francesco Liverani*, and Farlato's *Illyricum sacrum*, since the Migne versions are mere fragments. Superior versions of H.II, H.XI and H.XV have been sourced from Zimmermann, and also with I.I and I.IV. L.XI, L.XVIII, L.XXI, and L.XXIII are likewise fragmentary in Migne, and have been augmented with Zimmermann.

A couple of letters have been historically misattributed. The issue of D.VI/L.XIII has already been mentioned. A letter from Marinus I (882-884) – outside the time period of this corpus – is incorrectly attributed to Marinus II by Migne. This letter, with errors noted, is nevertheless included in this collection (numbered J.XII). One of John X's letters (here numbered D.I.) Migne incorrectly attributes to John IX (898-900). The error is cited by Jaffé in *Regesta Pontificum Romanorum*; the present work follows Jaffé here. One of Stephen VII's letters (here numbered F.III), listed in Jaffé and omitted altogether in Migne, has been categorised by Zimmermann as belonging to Stephen VI (896-897), again outside the time period, perhaps reflecting the numbering issue associated with Pope Stephens in light of Pope-Elect Stephen in 752.[5] The Bibliothèque Nationale de France, which has the physical manuscript, continues to categorise it as Stephen VII, in accordance with Jaffé. This collection includes it as F.III, using the wording found in Zimmermann's collection. An image of the physical manuscript can be seen in Appendix B.

If any other papal letters from the *Saeculum Obscurum* exist, I have been unable to find them in a digital format. Note also that the Zimmermann material merely translates the Latin letters and occasionally summaries of those letters (where the full text is not available), crediting him at every step. At no point do I reproduce or translate the German commentary or critical apparatus.

This is not a scholarly attempt to ascertain which documents are authentic and which are forgeries or spurious. Issues of authenticity are only raised when they pertain to interesting matters of content. That said, I have placed an asterisk (*) next to letters Zimmermann's *Papsturkunden* considers spurious. Meanwhile, a cloud of dubious gloom hangs over Hamburg.

[5] Albeit, this is not the only issue. Jaffé and Zimmermann ascribe wholly different dates.

Novum incohatur saeculum quod, sua asperitate ac boni sterilitate ferreum, malique exudantis deformitate plumbeum, atque inopia scriptorum, appellari consuevit obscurum.

- Caesar Baronius, *Annales Ecclesiastici* Vol. X. (Rome, 1602), p. 647.

("A new age is begun, which by its harshness and barrenness of good has been called *iron*; by its oozing ugliness of evil, *leaden*; and by its lack of writers, *dark*.")

A. Sergius III (904-911)

A.I.

The Bull of Pope Sergius III concerning the Monastery of St. Gall.

(Year 904[6])

[In Neugart, *Codex diplomaticus*, vol. I, p. 533].

Sergius, bishop, servant of the servants of God, to all the faithful of the holy Church of God.

Let beloved devotion know a venerable man from the regions of Germany, by the name of Solomon, bishop of the church of Constance and abbot of the venerable monastery of St Gall, came to Rome for the sake of prayer. He humbly implored the help of the holy apostles for his sins. When he had been kindly and graciously received by the Apostolic See, a familiarity of our apostolic authority having been granted to him, he related to us (among other things) how that same monastery, from ancient times until King Arnulf, had from kings or emperors the power and privilege that the brothers should elect an abbot among themselves. Moreover, they should be subject to no men except kings, apart from their own bishop in that which pertains to ecclesiastical discipline.

But this had been interrupted on account of Solomon. It became known to us how, for love of God and the affection of those same brothers, Solomon had obtained with humble prayers from King Arnulf and Louis [the Child] his son that they, through the charters of their authority, should again restore and strengthen the privilege and power formerly granted by the kings, and, having confirmed it, should leave it to their successors forever. Namely, that

[6] Migne gives the date as 8th March. Jaffé assigns it 22nd February.

the aforesaid brothers, if that same bishop, still living, should wish to resign the abbacy of the monastery, or if not, then immediately after his death, should have the firmest power both to elect and appoint for themselves an abbot, and also to deal with all the property belonging to that same monastery as they should wish.

That same devout bishop asked us, by our clemency, that we should most firmly confirm, through a written privilege of our apostolic authority, the privileges and statutes granted by kings or emperors to the oft-mentioned monastery.

Assenting to his petition with a willing heart, by the authority of our Apostolate we decree that all these things should remain inviolable for all time. If anyone (which we do not wish to happen) should presume to act against this privilege of our authority and should attempt to oppose it, let him know that, unless he repents, he is to be bound with the chains of anathema and alienated from the kingdom of God. But whoever has been a true guardian and observer shall merit blessing and grace from the Lord God.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of March, indiction seven [A.D. 904].

Farewell.

Given on the eighth day before the Kalends of March [22nd February][7] by the hand of Nicholas, bishop of the holy Church of Sutri and librarian of the holy Apostolic See, when the most pious perpetual Augustus Louis, crowned by God, the great emperor, was reigning in the fourth year, in the fourth year after the consulship, indiction seven [A.D. 904].

A. II.

Letter of Pope Sergius III to Amelius of Uzès

(Year 904).

[7] This appears to contradict the writing of the document in March. I cannot resolve the discrepancy.

He informs Amelius that Pope Formosus has been condemned by him [Sergius].

Sergius, bishop, servant of the servants of God, to the most reverend and most holy Amelius,[8] bishop of the holy Church of Uzès.

The whole world bears witness that Formosus, condemned, was the usurper of the holy Apostolic See. We were astonished at your letters, which named him among the bishops. Therefore, if it is unknown to you and has not been reported to you, know from these apostolic letters that the aforesaid Formosus is condemned.

Have recourse to the sacred canons (which we believe Your Holiness understands well). You will find that it is not permitted for a bishop to abandon his own See and invade another. It is evident that Formosus did this. Thus he is perpetually condemned.

As for the monastery of St Peter in Gothia, if it was granted to you by our predecessors the pontiffs Marinus [I], Adrian [III], and Stephen [V], you ought over so long a time to have sent us the pension from it, so that the rights of the holy Apostolic See might be more firmly established for you. If it was offered by you, we have done nothing wrong concerning it.

If you wish to hold that monastery, send us the pension, and show in writing how you received it from the Apostolic See; and we will again confirm it to you in writing.

If you can take that monastery without scandal, saving the apostolic right, take it, and pray for us.

A.III.

Privilege of Pope Sergius III for the Church of Silva Candida

[8] Amelius of Uzès (c.886-c.915).

(Year 905[9])

[In Ughelli, *Italia Sacra*, vol .I, p.91.]

Sergius, bishop, servant of the servants of God, to our most beloved and most holy brother and fellow-bishop Hildebrand of the holy Church of Silva Candida, and through you to that same venerable bishopric and to your successors forever.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state.

The church of Saints Rufina and Secunda, called Silva Candida, suffered desolation from the most wicked race of the Saracens, as the ruin of that place itself and the people and farmsteads (almost without farmers and inhabitants) bear witness.

For the restoration and repair of that sacred place, and for the remedy of our soul, we grant to you, brother Hildebrand, venerable bishop, and through you to that same holy Church forever, the estate which is called Caesarea, in its entirety, with the farms and its tenants called Furculae, Tondilianum, and Martinianum.

Likewise the colony of Solarium, and the colony of Cortina, and the colony of Gradolfus, and the colony of Micinnus, the colony of Vallis, the colony of Fontana, and the colony of Sanctus, the colony of Corilianus, as well as the colony of Castanea Cupa, the colony of Cabellae and of Caesarius, or by whatever other names they may be called, with houses, vineyards, farmsteads, or appurtenances, and with all their boundaries, lands, fields, meadows, pastures, woods, willows, fruit-bearing and non-fruit-bearing trees of various

[9] Migne puts this as 904. But the text refers to the eighth indiction, that is, from 24th September 904 to 23rd September 905. Zimmermann dates this as 905.

kinds, wells, springs, streams, perennial waters, buildings, ruins, sand-pits attached or adjacent, together with the church which is called St Andrew the Apostle built within that same estate, together with the tenants and farm-labourers, tributaries and corvée workers, males and females, sons and daughters, and their grandchildren residing there or belonging to it, wherever they may be found, with every census, dues, and services, as well as corvées, and whatever ought to be paid in the customary way from that same estate called Caesarea in its entirety to our Holy Roman Church, and with everything in general and in full pertaining to that same estate, located in the territory of Nepi, twenty miles from the city of Rome, from the patrimony of Tuscany belonging to the right of the Holy Roman Church, to which, by God's will, we minister, and among the neighbours: on one side, the land of the monastery of St Stephen called Major of St Peter; on the second side, forest and land of John the Grammarian; on the third side, part of the towered estate of Donica; on the fourth side, the estate of Elodia.

From the present eighth indiction we give, grant, and firmly establish this to you and to your successors in that same venerable bishopric forever, for the use and benefit of that venerable bishopric and of the bishops who shall be in future times. Provided, however, that every day the priests and clerics of that church for the remedy of our soul shall recite in that same church one hundred Kyrie eleison [Lord Have Mercy] and one hundred Christe eleison [Christ Have Mercy], and that the priests shall offer the holy oblations in the solemnities of the Mass three times each week for the absolution of our soul and of the souls of our successor pontiffs to almighty God.

By apostolic censure, under the attestation of divine judgement and the threat of anathema, none of our successors, nor anyone exercising public authority, nor any person great or small, may presume to act against, alienate, or take away from the aforesaid estates their places, families, tenants, farm-labourers, and tributaries, with all their appurtenances or

adjacencies, contrary to our pontifical privilege. We decree that it remain firm, stable, and perpetual for all time as we have established.

If anyone, which we do not desire, proves a contemner against this our apostolic privilege, and transgresses it in any way, or presumes to break it, and refuses to be wholly obedient and observant, let him know that by the authority of almighty God and of our Lord the Prince of the Apostles Peter (whose office, though unworthy, we hold by God's disposition) he is bound by the chain of anathema and alienated from the kingdom of God. But whoever, with pious intent, proves a true guardian and observer of this our apostolic privilege, by the merits and prayers of St Peter, Prince of the Apostles, and of the holy martyrs Rufina and Secunda, shall obtain in the heavenly courts the rewards and the grace and mercy of blessing from the just Judge, our Lord, and eternal life.

Written by the hand of Melchisedech, protonotary [chief notary] of the holy Apostolic See, in the month of May, the aforesaid eighth indiction [A.D. 905].

Given on the Kalends of June [1st June] by the hand of Theophylact, chancellor of the holy Apostolic See. In the year, God granting, of the pontificate of lord Sergius III, supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, and in the aforesaid month and eighth indiction.

A.IV.

Letter of Pope Sergius III to Abbess Eufimia[10][11]

(Year 905)[12]

[Marini, *I papiri* p. 30.]

[10] Jaffé identifies this as being for the Church of St Sixtus in Rome.
[11] For the addition of this letter to the Sergius III corpus, see the Translator's Note above.
[12] Jaffé's dating.

Sergius, Bishop, Servant of the Servants of God.

Through you, blessed Mother and our Lady, the Virgin Mary, and through you indeed, Eufimia, venerable deaconess and abbess, and your successors, and all the holy women entering the Congregation of the Handmaids of God, and remaining in the service of your holy Lady, the Blessed Virgin Mary, our Mistress, in perpetuity.

It is fitting to assist with apostolic guidance and tender compassion those strong in pious religion, and to grant assent with devotion to those seeking it. From this we will undoubtedly earn reward from the Creator of All, God, since venerable places, suitably ordered for improvement, will have been brought to a better condition.

Therefore I confirm and give to you, Blessed and Mother of God, and ever Virgin Mary, our Mistress, and through you Eufimia, venerable deaconess and abbess, and your holy Congregation of the Handmaids of God, for the redemption of my soul, in perpetuity, one entire estate, called Casa Ferrata, with two larger ponds near it. One, up to the bridge called Bussole, and the other pond up to the larger Plagario from the stream, called Formentarolo.

Also the small estate, called *Rivo Petroso*, with other estates and casalia, and with their respective names, namely *Urbana*, *Monte Pertusato*, *Storiano*, *Silvano*, *Tordarolo*, *Paterno*, and *Cervinarola*, with all their boundaries, limits, and borders, now secure and having been so from the origin; with lands, fields, meadows, pastures, mountains, hills, valleys, marshes, woods, willow groves, fruit trees, fruitful or unfruitful and of various kinds, wells, fountains, streams, perennial waters, buildings, walls, sandpits, tiles, appurtenances, adjuncts, and adjoined property, together with the Church of St Nicholas, or with all things pertaining generally and entirely to those same estates and casalia, located outside the Porta Sancti Pauli Apostoli [Gate of St Paul the Apostle] at about the sixth mile from the city of Rome, and among these neighbouring properties:

On one side, the small estate called *Agelli* with its small water source, called *Centimoli*, and the small estate called *Sancti Apostoli*, all belonging to the monastery called *Clivus Scauri*;

On the other side, the small estate called *Mostacano*, and the valley of *Lauro*, and straight along the stone pavement at the head of the said valley up to the wall (*Pariete Lunga*) of the estate called *Septemmelis*. Along that pavement to the head of the casale called *Tassellala*, all belonging to the Monastery of St Sabina, extending along the boundary over the hollow. Along that boundary up to the *Plagario* of the aforesaid pond, and straight along its stream up to the larger *Plagario* above it. Through the *Plagario* to the head of the *Pantanello* up to the tuff from which water rises, and through the tuff, which conducts the water straight along the boundary. Along the same boundary straight to the pool, and along the pool straight along the boundary up to the cartway;

On the third side, the small estate called *Selaci*, which belongs to St Paul the Apostle, and along the boundary up to the casale called *Aquasurgente*;

On the fourth side, the small estate called *Quatrazano* up to the aforesaid bridge *Bussole*, under the authority of the holy Roman Church, to which we serve by the guidance of God.

To the Church, these things we grant and confirm in perpetuity, without any formal donation or act, to you, Blessed Mother and Virgin of Christ Mary, and through you Eufimia, venerable Deaconess and Abbess of your holy Congregation of the Handmaids of God, and through you to the same venerable Monastery.

Knowing that your poverty, and that of the same Monastery, is affected by pagan disturbance, and in every way deprived or annulled, we are moved by your prayers for the love of Almighty God, and by your intercession, O Virgin Mary, Mother. For all your sustenance, so that by our apostolic privilege you may render to the Almighty God and to his

undefiled Virgin Mother due praises, we grant from the present fifth indiction[13] the aforesaid estate, called Casa Ferrata, with two larger ponds near it. One, namely, up to the bridge called Bussole, and the other pond up to the larger Plagario from the stream, called Formentarolo.

Also, the casale called *Rivo Petroso*, with other estates and casalia, and with their names, namely *Urbana*, *Monte Pertusato*, *Storiano*, *Silvani*, *Tordarolo*, *Paterno*, *Cervinarola*, with all their boundaries, limits, and borders, now secure and having been so from the origin, together with the Church of St Nicholas, or with all things pertaining generally and entirely to those estates and casalia, as read above.

To you, Blessed Virgin Mary, Mother of God, and through you to the servants of your holy Congregation, we confirm in perpetuity, by the authority of Blessed Peter and Paul, Apostles, whose vicars by the grace of God we are, and we strengthen and confirm by our apostolic censure, that these be held and possessed by your own right, and also by every oath and intervention. At all times you may enjoy and possess them, and for the salvation of the soul of your holy Congregation of Handmaids, sing every day one hundred *Kyrie eleison* and one hundred *Christe eleison*.

Decreeing by apostolic censure, under the adjuration of divine judgement and the interdiction of anathema, no successor of ours, pontiff, or any person, great or small, of whatever dignity, shall dare molest you concerning the aforesaid estates and their appurtenances. They shall remain securely and quietly in your venerable church in perpetuity.

But if anyone (which we do not believe) presumes to act or contend against our apostolic privilege, and fails to observe it in all things, let him know that he is bound by the chain of anathema. May he have his portion with the devil and all the impious in hell. Furthermore, let him pay fifty gold mancuses into your venerable church.

[13] The fifth indiction would be 901-902 and 916-917, outside the dates of Sergius III's pontificate. 905, Jaffé's dating, would be the eighth indiction.

But he who shall have been guardian and observer of our privilege, constitution, and blessing, may justly merit to obtain reward from the just Judge, our Lord God, and may by you be made partakers of it in eternity, world without end.

Written by the hand of Antonius, *scriniarius* of the holy Roman Church: in the month of August, in the fifth indiction.[14]

Farewell.

[Given] on the sixteenth day before the Kalends of August [17th July], by the hands of Stephen, *arcarius* [treasurer] of the holy Apostolic See, in the second year, by the favour of God, of the pontificate of lord Sergius III, supreme pontiff and universal pope, in the most sacred See of Blessed Peter the Apostle, in the month, and in the fifth indiction.[15]

I, Gervasius, *scrinarius* of the holy Roman Church, found this old charter privilege, written by the hand of Antonius, scribe, as was said. I have completed and copied it.

A.V. *

Letter of Pope Sergius III to Adalgar of Hamburg

(Year 906-908)[16]

[In Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol XVIII, p.251]

He vindicates the rights of the Church of Bremen.

Sergius, bishop, servant of the servants of God, to the most reverend and most holy Adalgar, bishop of the Church of Hamburg, apostolic blessing and fatherly consolation.

After receiving the letters of Your Fraternity and learning from them the injury inflicted on your Church and on you (not only this, but also the unjust consent of Pope

[14] See note above.
[15] See note above.
[16] Zimmermann's dating.

Formosus, and the collusion of Hermann of Cologne, the archbishop of Mainz, and other bishops) we have been greatly grieved. For what is more unjust than for Churches to be deprived of honours lawfully granted to them? What is more iniquitous than to violate and break privileges of the apostles that have been handed down in the charters of emperors and kings?

If this is allowed, nothing set down by us or by our successors in the Church will remain valid, firm, or stable.

But since, according to the words of the Lord, "You are Peter, and upon this rock I will build my Church," and according to the words of the Apostle [Paul], "You are built upon the foundation of the apostles and prophets, Jesus Christ Himself being the chief cornerstone," the holy and universal Church is founded upon the rock and upon the foundation of the prophets and apostles, and is joined together in Jesus Christ, the cornerstone, firm and strong.

Therefore, as this rock-like and apostolic foundation is firm, eternal, and immovable through the holy joining together of the cornerstone, so every ecclesiastical structure built upon it must be valid, stable, and inviolable against any human presumption.

We therefore, according to the voice of the Lord and the Apostle, and following this sentence of blessed Gregory – that whatever privileges have once been granted to a Church ought thereafter to remain valid and stable – declare that whatever was rashly perpetrated against you and the Church of Hamburg by the unjust consent of Pope Formosus and King Arnulf, and by the contrivance of Archbishop Hermann, we, by our own authority, and by the judgement of many of our fellow bishops, and under anathema, reject and utterly abolish.

Whatever, moreover, was granted to the Church of Hamburg by Nicholas [I] and other predecessors, namely, to have archiepiscopal authority in the kingdom of the Danes,

Norwegians, Swedes, and all the northern nations, and that the Church of Bremen and the Church of Hamburg should not be two but one Church and diocese, we decree and confirm.

By apostolic authority and censure, under the attestation of divine judgement and the threat of anathema, we decree that no person of any order or dignity shall presume to alter or in any way violate what in archiepiscopal dignity, or in the union of the Church of Bremen and the Church of Hamburg, has been granted to your Church and to you by our predecessors and restored by us. Whoever shall alter or presume in any way to violate this, let him be bound with the chain of perpetual anathema by the authority of God and of the blessed apostle Peter, and by ours, who discharge his vicariate.

As for Hermann, archbishop of Cologne, and Hatto, archbishop of Mainz, we have suspended them from divine office, for the satisfaction of penance, until the time fixed by us, because at Tribur they unjustly annulled the privileges of the Apostolic See granted to your Church and to you, and overturned the testaments of the glorious emperors.

We also, as you requested, have admonished with apostolic letters Vigbert and Biso, your most reverend neighbouring bishops, that they should help you and, coming to you, ordain bishops in such places as you canonically find, and as suitable reason shall designate.

Therefore you, most holy brother, let Your Holiness pray for us and for the universal holy Roman Church, and send back word to us as to how and where you have ordained bishops.

Given through the hand of Peter, chancellor of the holy Roman Church, on the fifth day before the Nones of February [1st February], in the third indiction.[17]

A. VI. *

[17] The third indiction would be 899-900 or 914-915, neither of which saw Sergius III as Pope. February 905, as given in Migne, would be the eighth indiction. Jaffé also dates this as being circa 905. Zimmermann as 906-908. I am at a loss on how to resolve the discrepancy. My best guess is that “indiction three” is a typographical error in Migne.

Privilege of Pope Sergius III for the Chapter of Asti

(Year 907)

[In Ughelli, *Italia Sacra*, vol. IV]

He confirms to the Chapter of Asti its possessions, at the request of Bishop Audax.

Sergius, venerable pope, servant of the servants of God, to all priests and deacons and clerics, and to the canons serving according to the appointed number, established by the most reverend and most holy Audax, bishop of the holy Church of Asti, in the canonical house of the bishopric built by the same venerable Bishop Audax for the remedy of his soul and for the praises and honour of almighty God – to them and to their successors forever.

Since by divine appointment we have been set as head over all the Churches of God, we must humbly incline our minds to those who petition, and not only bestow favours from what is our own, but also strengthen their confirmations, so those things they have built for themselves may remain forever holy and inviolable. Those who seek apostolic assistance – without which nothing seems perfect in ecclesiastical affairs – we must support with the arm of apostolic mildness and confirm with great vigour according to the power granted to us by blessed Peter, Prince of the Apostles.

The venerable Bishop Audax of the holy Church of Asti has petitioned that we confirm by privilege to all priests, deacons, clerics, and canons serving according to the appointed number in the said canonical house, with its cloister built next to the church of the holy Mother of God and ever-virgin Mary, our Lady, in his episcopal city of Asti – all the properties and possessions which the most reverend and most holy Audax has conferred upon that canonical house for those ministering there, for the remedy of his soul.

Namely: one court called Quartum and another small court called Azanis, situated beyond the river Tanarus, which his predecessor Ehilulfus had given to the church of St Mary,

with all the goods and families belonging to the said courts, together with all the tithes to be paid from them – so that the canons of the canonical house and their ministers serving there may hold and dispose of them for their own and common use in full integrity, as the ecclesiastical and canonical rule prescribes, without any contradiction by us or by our successors.

Likewise, one parish dedicated in honour of the holy Mother of God Mary, situated in the village called Pisentiana, with its titles and all its tithes, together with all the goods and families belonging to the said parish. And the tithes of his city of Asti, and the tithes of the villages which are at any time paid to his church. Likewise, a vineyard lying near the wall of St Mary, together with the cloister and all its integrity.

All these aforesaid places, with their appurtenances and tithes, just as they have been granted by the said most holy Bishop Audax to the canonical house for those ministering there, we confirm and strengthen by our apostolic authority, and we decree that they are to possess them in perpetual peace and quiet, in full integrity.

By apostolic sanction we forbid any person, of whatever office or dignity, to trouble those canons in the canonical house, concerning the things written and granted. We exhort whoever is able, for the love of the apostles, to give help to the canons of the canonical house. Thus the canons may serve almighty God at all times, without disturbance.

The privilege the venerable Bishop Audax has made for the properties, possessions, tithes, parishes, and courts, with all their appurtenances, and established for that canonical house and its canons forever, we likewise decree by our apostolic authority to remain unshaken.

If anyone shall presume to act against our apostolic decree, or attempts in any way to diminish the property of the said canonical house, or breaks the privilege established for these

things, let him be cast out from the threshold of the holy Church of God until he repents and comes to full satisfaction before the priests.

Written by the hand of Melchisedech, *protoscriniarius* [chief scribe] of our See, in the month of May, in the tenth indiction [A.D. 907].

Farewell

[Given] on the Nones of May [5th May], by the hand of Theodore, archchancellor of the Apostolic See, in the year, by God's grace, of the pontificate of lord Sergius, supreme pontiff and universal pope, in the most holy church of the blessed apostle Peter, indiction eleven.[18]

A. VII.

Letter of Sergius III to Leopardus, Abbot of Nonantola

(Year 907)

[In Ughelli, *Italia Sacra*, vol. IV]

He confirms the privileges of the monastery.

Sergius, bishop, servant of the servants of God, to Leopardus, religious abbot of the monastery of Nonantola.

Having seen your letters of humility, we grieve over the monastery of Nonantola. The flock committed to your governance is indeed afflicted with need. We hear that your monastery was devastated by the sword of the barbarians and burned by the same with fire, and that you were troubled by the attacks of wicked men.

[18] The letter omits the year of Sergius' Pontificate. The tenth indiction would be May 907 and the eleventh indiction May 908.

But trusting in the mercy of almighty God, and aided by the prayers of the blessed apostles, you prevailed. After so many scourges, and the struggles of your labour, you raised the church of your monastery even to a summit. We decree your whole monastery under our apostolic protection, as it was under the time of our predecessors, for the love of blessed Sylvester [I], pontiff of the Roman See, whose servant we are by God's guidance.

We owe you help and protection wherever you are; willingly we extend the right hand of our pontificate, confirming all those religious and holy privileges granted from ancient times to your monastery of Nonantola.

If you seek a bishop to consecrate the church of your monastery, we do not wish that you ask anyone except John, venerable bishop of Ticinum, or Vidonus of Piacenza, or Elbungus of Parma. From among these three reverend bishops, choose whichever you prefer, and lead him to consecrate your church.

A. VIII. *

Privilege of Pope Sergius III for the Church of Vienne

(Year 908)

[Bosco, *Library of Fleury*, left [page/column], shelf 57]

Confirms the privileges and possessions of the Church of Vienne, and specifically the Churches of Maurienne and Susa.

Sergius, bishop, servant of the servants of God, to our most reverend and most holy brother Alexander, archbishop of the holy Church of Vienne, and through you, to your Church forever.

Watching over all the Churches of God, and the pious places, demands of us great solicitude, so that they suffer no loss of need but rather achieve the rewards of their own

utility. It is fitting that with all the integrity of our pastoral mind we procure the stability of those venerable places, and diligently provide aid for their welfare. Thus what we have bestowed to those places for the honour of His holy name and for the praise and glory of divine majesty may be acceptable to the Lord and our God. From His most abundant mercy a worthy, perpetual reward may be granted for such pious work in the heavenly citadels.

Your Holiness asks that we confirm a privilege for the holy Church of Vienne, which, by the guidance of God, you preside over. Inclined to your prayers, we strengthen you and your aforesaid Church of Vienne by this page of our privilege, and firmly establish with perpetual stability whatever pertains to the dignity of your priesthood, or whatever your Church has, or has had, in faculties and possessions, both in parishes and in suffragan bishoprics.

We grant you complete power over the clerics, by virtue of the confirmed privilege, which the most blessed Sylvester [I] made over the seven provinces of your Church.

Therefore, with all that which has been granted by our predecessors to your predecessors, we judge that the same privilege shall remain unshaken and inviolable to your Church forever. We command that the customs, or those things paid annually to your Church, both from suffragans and from all churches constituted within your diocese, be fulfilled without delay or excuse, under apostolic censure.

Whatever goods the Church of Vienne has, or has had, or families (servants of the Church) and servants of either sex, in whatever territories and places, whether granted by kings or pious men, we confirm to you and your successors, that you may possess them by eternal right.

And that very […] King Guntram, with the consent of the Apostolic See, made the Church of Maurienne subject to the holy Church of Vienne by perpetual right, with all its

territories. We confirm it intact as subject to it. Likewise, with the Church of Susa and the churches of the same valley and all the territories pertaining to it.

We forbid that anyone, of whatever rank or order, diminish you or your successors, or your Church, in any respect. We command all the faithful to observe this, our apostolic admonition, so that with reverence preserved for honour, they may have the blessing of our apostles and of us. Hence, they may remain unblemished under the holy canons or institutions, and reward of gain from God, the Creator of all, may be conferred upon us.

Whoever, which we do not wish, wickedly presumes to oppose or in any way transgress these things established by us to the praise of God for the salvation of your holy Church, let him know he is bound by the bond of anathema, and condemned to be burned with the devil and his most cruel armies, and Judas the betrayer of our Lord Jesus Christ, by the punishment of eternal fire.

But truly, whoever is a devout observer, and in all respects a keeper of our apostolic constitution, looking towards the worship of God, shall receive the grace of blessing from the most merciful Lord our God, and shall partake in eternal life.

Written by the hand of Sergius, notary of the holy Roman Church, in the month of May, indiction eleven [A.D. 908].

Farewell.

Given on the fourteenth day before the Kalends of July [18th June], by the hand of Stephen, *primicerius* of the *defensores* of the holy Apostolic See. In the fifth year, by the grace of God, of the pontificate of lord Sergius III, pontiff and universal pope, in the most holy seat of blessed Peter the apostle.[19]

A. IX. *

[19] The fifth year of Sergius III would be January 908-January 909.

Privilege of Pope Sergius III for the Monastery of St Martin of Tours

(Year 908)

[From the Works of Launoy, vol. III, part II, p. 36.]

After the calamity inflicted on Tours by the Northmen, he confirms the privileges of the monastery.

Sergius, bishop, servant of the servants of God, to all priests, canons, and clerics, present and future, and serving in the monastery of the most blessed Confessor of Christ Martin, which is called of Tours, and in the basilica of that same St Martin, greeting.

The secret mystery of divine dispensation mercifully provides that it should be diligently cared for by pontiffs through pious grace, as when the pastor of pastors entrusted to shepherds the care of the faithful peoples. To Peter the Prince of the Apostles: *"If you love me, feed my sheep."* Likewise: *"Behold, Satan has demanded to have you, that he might sift you like wheat; but I have prayed for you that your faith may not fail; and you, when you have turned back, strengthen your brethren."*

Lest the flock of the Lord be torn by the most savage bites of wolves, or be shipwrecked in the stormy whirl of tempests, it is to be guarded by the pastoral sword, sustained by the staff, and supported by help.

Therefore, taking provident counsel for the advantages of the holy Church's brotherhood, the holy Roman Church, Sergius, pontiff of that same Apostolic See, brings to the knowledge of the faithful, through the envoys of Erbern, archbishop of the holy metropolis of Tours, and of Abbot Robert, and Rainald, and Tetolo, the grievous desolation of the monastery of the most blessed Confessor, Martin.

Namely how that place endured the sad evil of destruction from the treacherous nation of the Northmen, and how the army of that same fleet, by its most evil incursion, inflicted damage.

For the restoration of that same place and for the support of the clergy dwelling there, Charles [the Simple], prince of that same realm, by the gift of his piety, with the counsel of his faithful men, renewed and enacted a command concerning the properties belonging specially to that place and to the brethren of that same congregation, and named with their proper names in the privileges of our apostolic predecessors and in the decrees of orthodox kings. Thus removed from secular cares and freed from worldly snares, intent on heavenly warfare, the brethren might, with free heart, devote themselves to daily service.

With pastoral regard presiding, that same man, together with an assembly of priests and of many faithful men, sent the aforementioned decree to the mildness of our fatherhood. Charles determined with humble supplication that it should be examined for the privilege of confirmation by this holy Roman See, which, by God's help, we serve, for a greater firmness. Thus the sheep commit both to priest and to king, protected by this safeguard, and might with unoffending foot attend to the divine commandments.

In fulfilling these things, consenting to the decree of generosity, together with the vows and prayers of so many faithful, we have determined and by the decree of this holy Apostolic See, as is shown in the institution of our holy apostolic predecessors, Gregory, Leo, Adeodatus, Adrian, and Nicholas, and in the decree of the emperors and kings, Charles the Augustus, Louis that same Augustus, and the other Charles most illustrious Augustus, we confirm what special possessions of the clergy of St Martin remained from the fires of the Northmen.

No administrator of the republic, of higher or lower order, may enter their churches, villages, dwellings, and territories, in whatever provinces or districts they may be held, to

hear cases, nor to constrain their free men or slaves, nor to take sureties; nor to demand toll or shipping tax; and that tithes and ninths from all their goods be most completely rendered to their guesthouse and to their noble poor without any contradiction of prelates or princes.

Whatever further pertains to their advantage, as outlined in other apostolic privileges and decrees of bishops and emperors and kings, and the prebends granted by the permission and will of Robert their proper abbot by Charles, now king, through a charter, and to be granted in future, with the entirety of their appurtenances, let them hold most completely forever. As we noted above, no man of any power may diminish their domain or possession.

The dignity of kings bestows its mercies upon the brethren dwelling in the monastery of blessed Martin. But whoever presumes to break the institution of this constitution or attempts in any presumption or occasion to overturn it, or interferes with tithes owed to their authority by legitimate subjects, let him know that he will bear the heap of eternal damnation with the transgressors of the holy law, unless by worthy satisfaction he corrects what he attempted by rash greed.

Power is granted to us by the Lord through blessed Peter, Prince of the Apostles, of binding and loosing, with Him saying: *"Whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven."*

Relying on the confidence of this power, we close the gates of heaven under the bond of anathema, with the obstacle of his own malicious greed, upon whomever has consented or cooperated in withholding the goods and honours granted by this most necessary benefaction. Unless, as we have said before, trusting in divine aid, he has repented by the gift of correction, restored what was seized, and made satisfaction for what was neglected.

We ask that the sentence of this apostolic determination be inviolably observed by all the faithful. That it may be more surely believed and irrefragably observed, we have taken

care to note it with our own signed hand, and we decree that it is to remain perpetually in force.

Written by the hand of Leo, *archiscriniarius* [chief scribe] of the holy Roman Church, in the month of May, indiction eleven [A.D. 908].[20]

Farewell.

A.X.

The Privilege of Pope Sergius III for the Monastery of Vézelay.[21]

(Year 908)

[*Bulletin de la Société des Sciences Historiques et Naturelles de l'Yonne*, Vol. XVI, p.464.]

Sergius, bishop, servant of the servants of God, to Eudo, venerable abbot of the monastery of Vézelay, and through you, to the same monastery, in perpetuity.

At your supplication, we extend the arm of our assistance, and establish under apostolic protection the privilege of your aforesaid monastery. With the annual pension of our palace preserved, you may quietly possess all your rights, removed from the disturbances of all evils.

We grant to you and your successors whatever has been granted to the monastery by pious men, whether kings, or by any persons, and whatever your predecessors or you yourself or your successors acquire, to possess in the monastery with perpetual and eternal stability.

[20] Indiction eleven would be May 908.
[21] For the addition of this letter to the Sergius III corpus, see the Translator's Note above.

We confirm to you and your successors the right to dispose of, and with the fear of the Lord to ordain, both courts [manorial estates] and allods [freehold estates], or fiscals [revenue lands], serfs and mancipia.

Also, according to ancient custom, we decree that tithes be paid in the same monastery, without anyone's contradiction. Churches specially subject to the holy Apostolic See ought not to be detained by the custom of any other church.

If it can be done canonically and lawfully, without contradiction of the sacred canons or the Rule of St Benedict, we decree that, after your death, if Aripert, a monk of your monastery, survives, proven in life and conduct, he shall be constituted abbot.[22]

If anyone should act against our apostolic admonition and the course of the privilege, and diminish the movable or immovable possessions of the monastery of Vézelay, or presume to disturb the monks serving there, let him, of whatever dignity or rank, be excommunicated and separated from the holy Church until true satisfaction and correction have been made.

Given on the fifteenth day before the Kalends of June [18th May], by the hand of Stephen, *primicerius* of the *defensores* of the holy Apostolic See, in the fifth year, by the favour of God, of the pontificate of lord Sergius III, supreme pontiff and universal pope, indiction eleven [A.D. 908].

A.XI.

Letter of Pope Sergius III to Blessed John of Pola (Pula)[23]

(Year 910[24])

The Pope instructs Blessed John to go personally to Count Alboin of Istria to induce him to return the goods of the Church of Ravenna and of the Roman Church that he has

[22] The only time in this entire corpus a Pope tries to directly interfere in the selection of an abbot. Note that a key component of monastic privileges is that monastic autonomy must be respected.
[23] For the addition of this letter to the Sergius III corpus, see the Translator's Note above.
[24] Jaffé's dating.

unlawfully seized. He informs him that Berengar will not be crowned until he promises to remove the Margraviate of Istria from the count and give it to a better man.

[Ceriani/Porro, *Il rotolo* (1884), pp. 31 f., note p. 10]

Sergius, bishop, servant of the servants of God, to our most reverend and most holy brother John, bishop of Pola [Pula].

Long ago, through our apostolic letters, we admonished and commanded Count Alboin, concerning the affairs and estates of our most reverend and most holy brother John, archbishop of Ravenna, that he cause no molestation or opposition in them, neither in the estates themselves nor in the possessions of St Peter, which we granted to him by mandate.

Now, however, we have learned (through a messenger of the archbishop) that Alboin is committing many evils regarding those possessions, and has even given them to his own vassals, especially those which belonged to our holy Church.

We command Your Holiness that you go personally to him and admonish him on our behalf, so that he may promptly rectify all these matters and restore whatever he has taken.

And if he does not do so, let him know most certainly that we shall cast him from the Church and condemn him under anathema. We shall write also to the Patriarch and to all our brother bishops that they not receive him; and moreover, King Berengar shall not receive the [Imperial] crown from us until he promises to remove the aforesaid Margraviate [of Istria] from Alboin and give it to another, better man.

A.XII.

Privilege of Pope Sergius III for the Church of Lyon.[25]

(Year 910).

[25] For the addition of this letter to the Sergius III corpus, see the Translator's Note above.

[Chevalier, *Documents inédits des IXe, Xe et XIe siècles relatifs à l'Église de Lyon*, 1867, p.4.]

Sergius, bishop, servant of the servants of God, to our most reverend and most holy brother Austerius, archbishop of the holy Church of Lyon, in perpetuity.

As often as we grant to sacred places those things fitting to reason and to ecclesiastical utility, it befits to apply every care for the condition of pious places, and to watch with unwearied zeal, so that the strength of the churches of God be increased.

From this, ecclesiastical growth may advance, and for us […] knowing that we have undertaken the care of all the churches of God, and wishing the strength of each church to be held undiminished, we confirm, with apostolic authority, the holy Church of Lyon with all the immovable places written below, with everything that rightly pertains to it:

The monastery called Savigny, the monastery of Athanasius, Nantoad, the abbey of St Eugendus and of St Lawrence, and Genouille, Dagny, Anse for the use of the brethren, Polimarcus or Pizignac, Digniac, Ambriac, the monastery of St Regnebert, and two abbeys Ambronay, Guigniac, Laigniac, with the monastery Saxia, Dentasiac, the estate of Olleonis, the mountain and estate Urbana, Caset, Quinciac.

Also, all the possessions in Aquitaine which from ancient days the same Church has held by that authority: the estate of Aiana, Ramsonerias, Montaurum, Aulanium, Caliscum, Vicus, Pocetum, Flaviacum, Flonella, Cociacum for the use of the brethren, Caduliacum, Fistiliacum, Colonicas, Costermacum, Catianis, Lucumacum, Tournon, Luperciacum, Lent with the village, with chapels. Also, all the possessions the most glorious emperors or kings and princes are known to have granted to the holy Church of Lyon through precepts and authorities.

Decreeing by apostolic censure, with the adjuration of divine judgement and the prohibition of anathema, it shall not be lawful for any man, great or small, by the arrogance of pride, to act against our apostolic privilege. Nor to attempt to bring any force or compulsion upon the aforesaid properties. Nor to issue any complaint whatsoever.

For the praise of almighty God and for the stability of the holy Church of Lyon and for the sustenance of the poor, may all things, as they are read above, by firm apostolic authority remain throughout perpetuity.

When the metropolitan dies by divine command, let it be permitted to the Church of Lyon and its suffragans to elect from that same church whom divine clemency shall provide, and canonically to ordain for themselves a bishop. Likewise, concerning the suffragans we decree that, when any one of them dies, whoever shall have been elected by the metropolitan and by the bereaved church shall be canonically ordained, so that canonical authority may prevail and ecclesiastical doctrine may be strong.

But if anyone (which we do not believe) presumes with rash boldness to act against our apostolic privilege, in whole or in part, and not observe it in all things, let him know himself to be bound by the chain of anathema and alienated from the kingdom of God unless he repents, etc.

Written by the hand of John, *scriniarius* of the holy Roman church, in the month of May, in the thirteenth indiction [A.D. 910].

A. XIII.

Letter of Pope Sergius III to Hoger, Bishop of Hamburg

(Year 911)

[In Lappenberg, *Hamburg Cartulary*, vol .I, p. 37.]

He sends the pallium to Hoger.

Sergius, bishop and servant of the servants of God, to the most reverend and most holy Hoger, bishop of the holy Church of Hamburg, apostolic blessing and by the grace of God the merit of eternal life and rest.

If the shepherds of sheep are content to bear the sun and frost for the sake of guarding their flock by day and night, and so that no […], let us be judged. The pallium, however, for Your Holiness, to […] of Mary, and at the same time on the day of the Nativity of our Lord Jesus Christ, and likewise on the day of the solemnity of your church, and on the day of the anniversary of your consecration, as […] may be taken. Since the favour of this garment […] may be found by indiscreet persons, may they perceive you as kind to the good, may you recognise the malice of the wicked, and let no bad suggestion make the innocent guilty before you […] departs.

Behold, Your Reverence, dearest, among many other things these are of the priesthood. These are of the pallium, which if you diligently preserve, what you have received externally, you will have within. May the Holy Trinity surround Your Holiness with the protection of its grace and guide us on the path of God-fearing, and after the bitterness of this life, may we deserve to reach eternal sweetness.

Written by the hand of John, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of May, indiction fourteen [A.D. 911].[26]

Given on the third (or thirteenth?) [day before the] Kalends of June, by the hand of Theophylact, *sacellarius* [treasurer] of the holy Apostolic See, in the eighth year, by God's

[26] This is the wording provided by Jaffé. Migne's version reads 'written by the hand of Stephen, *scriniarius* of the holy Roman Church, in the month of May and indiction six.' 911 is not indiction six, nor did Sergius III ever rule during indiction six. Jaffé identifies it as a forgery.

favour, of the pontificate of lord Sergius, supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, indiction fourteen [A.D. 911].[27]

A.XIV.

Letter of Pope Sergius III to the Church in Gaul.[28]

(Year 904-911)

[*Anzeiger für Kunde der deutschen Vorzeit,* Bd. XXII (1875), No.2., p.38]

Sergius, bishop, servant of the servants of God, to all our most reverend brothers, archbishops, bishops, and all priests dwelling through all the provinces of Gaul.

Apostolic authority mercifully receives those returning humble in heart. With outstretched arms, it receives them, and blesses those contrite in spirit, as it is written: *Blessed are the humble in spirit, for theirs is the kingdom of heaven.*

We, who fulfil the vicariate of blessed Peter, Prince of the Apostles, know the ardour of faith of the present Ildelindis, truly most Christian widow. Hearing her true confession, we attend to her tears from the heart. Not even Christ God, the creator of all, our Saviour, despised the tears of the harlot, but receiving her said: *Many sins are forgiven her, because she has loved much.* And the groaning tax-collector He justified.

Therefore, in the word of the Lord saying: *Whose sins you shall remit, they are remitted to them* – according to the power of binding and loosing in heaven and earth granted to us by Him in the most blessed Peter – we absolve her, as much as is possible, from her misdeeds. Interceding with the Lord on behalf of her husband Burchard, just as she humbly asked us, and on behalf of her sons, we absolve them from their sins according to our ability.

[27] Jaffé's wording.
[28] For the addition of this letter to the Sergius III corpus, see the Translator's Note above.

We exhort Your Sanctity, that for them you pour out prayers in the sight of God with pure conscience, that His immense piety may receive them, and may deliver them as His servants from eternal punishment, and everywhere save them by his wonderful mercy, giving thanks to Him who is able to blot out their sins.

This apostolic letter we have ordered to be held by the most Christian widow for future testimony.

Farewell.

A.XV.

Letter of Pope Sergius III to Abbot Leo of Monte Cassino[29][30]

(Year 904-911)

[Ughelli-Lucenti, *Italia sacra*, vol .I., p.565.].[31]

Sergius, prelate, servant of the servants of God, to Leo, abbot of the venerable monastery of St Benedict of Monte Cassino.

Just as our predecessors granted their privileges to your predecessors, so that they might ordain their clerics by whichever bishop they wished, so we grant that you may cause your clerics to be ordained. Whatever you ask of the episcopate, you may freely ordain without anyone's interdict. Likewise, you may complete the chrism and introduce the relics of the saints (and perform baptism).

[29] Not included in Jaffé.
[30] For the addition of this letter to the Sergius III corpus, see the Translators Note above.
[31] Added from H. Zimmermann, *Papsturkunden*, vol.I., p.31.

B. Anastasius III (911-913)

B.I.

Privilege of Pope Anastasius III for the Church of Vercelli

(Year 912)

[In the works of Atto, vol .I., preface, page IX.]

Anastasius, bishop, servant of the servants of God, to the most reverend and most holy Ragembert,[32] bishop of the holy Church of Vercelli, for the days of his life only.

Shepherds of sheep disdain neither sun nor frost for the guarding of their flock by day and night, so that those sheep may not perish by wandering, nor be torn by the bites of wild beasts and carried off. With watchful eyes they keep guard.

With how much sweat, and with how much care ought we to be wakeful, who are called shepherds of souls, let us consider. Let us not cease to exercise the office of guarding the Lord's sheep, lest on the day of divine judgement, before the supreme Shepherd we be tormented for our sloth by the charge of negligence, when now by the reverence of honour we are judged more exalted among others!

The pallium for Your Holiness to celebrate the solemnities of the Masses we grant for your use, with the privileges of your Church remaining, on no other days than the day of the holy venerable Resurrection of our Lord Jesus Christ, the feasts of the holy apostles, that of St John, the Assumption of the blessed Mary Mother of God, and the day of the Nativity of our Lord, and equally the solemnity of your church. Also indeed we grant it on the day of the anniversary of your consecration, just as by our predecessor lord Gregory, bishop of this Holy See, it was done.

[32] Regenbertus of Vercelli (904-924).

In the sacristy, however, Your Fraternity ought to put on the pallium, and so proceed to the solemnities of the Masses, and presume to arrogate nothing more to itself by the rash daring of presumption, lest while in outward dress something is inordinately assumed, and even those things which might have been rightly done are lost.

Since the honour of this vestment must be preserved by the modest vigour of your actions, we exhort that the ornaments of your conduct also be fitting, so that, with God as author, you may rightly be distinguished in both.

Accordingly, let your life be a rule for your sons. If any strength has been set forth in them, they will be directed. What they imitate, let them behold. By continual consideration, let them make progress, so that after God they may seem to have lived by your good.

Let not prosperity, which flatters temporally, lift up your heart, nor adversity cast it down, but whatever it may be, let it be overcome by the virtue of patience.

Let no hatreds find place with you, let no indiscreet favour be found, let the wicked recognise severity, let no evil suggestion make the innocent guilty before you, let not grace excuse the guilty. Show not yourself remiss towards offenders, nor permit that anything, because it is not avenged, be allowed to be perpetrated; let there be in you the sweetness of the good shepherd, and also the severity of the judge indeed. Namely this: that you cherish those living innocently, and that you restrain the unruly from wickedness.

Since sometimes the zeal of rulers, when you ought to appear with the face of the severity of superiors, passes into cruelty of correction, restrain wrath by judgement, and use the censure of discipline in such a way that you strike faults, but never depart from the love of the persons whom you correct.

Show yourself merciful, as far as strength allows, to the poor; let your defence aid the oppressed; let your modest firmness withstand those who seek undue things; accept no one's face against justice; despise not any who seek what is just; excel in guarding equity, so that

neither the wealthy persuade you to hear their cases outside the path of justice, nor humility cause the poor to despair concerning their matter; so that, God showing mercy, you may be such as holy Scripture prescribes, saying: "A bishop must be blameless" (1 Tim. 3:2).

But all these things you will be able to use beneficially. If you have charity as your teacher, you shall not depart the path.

Behold, dearest, among many other things these are of the priesthood. These are of the pallium, which if you diligently preserve, what you have received externally, you will have within. May the Holy Trinity surround Your Holiness with the protection of its grace and guide us on the path of God-fearing, and after the bitterness of this life, may we deserve to reach eternal sweetness.

Written by the hand of John, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of February, in indiction fifteen [A.D. 912].[33]

Farewell.

Given four days before the Ides of February [10th February], by the hand of Theophylact, *sacellarius* [treasurer] of the holy Apostolic See, in the first year, with God propitious, of the pontificate of lord Anastasius the Younger,[34] supreme pontiff, in the most Holy See of the blessed apostle Peter, indiction fifteen [A.D. 912].

B.II. *

Privilege of Pope Anastasius III for the Church of Hamburg[35]

(Year 912)

[33] The fifteenth indiction ran from 24th September, 911 to 23rd September, 912.
[34] Latin: Scili Junioris P. P.
[35] We have Jaffé: "To the number of falsifications this bull must be relegated, notwithstanding the name 'Adrian the scriniarius,' who actually exercised this office under John X."
But regarding the anachronistic reference to Greenland, see the notes on letter D.IX. (John X).

[In Lappenberg, *Hamburg Cartulary*, vol .I, p.38.][36]

Anastasius, bishop, servant of the servants of God, to his beloved brother Hoger, venerable archbishop of the Church of Hamburg, perpetual greeting.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state.

You have requested that we confirm the entire archbishopric of Hamburg in full to you and your successors, just as by our predecessors Gregory [IV] and Nicholas [I] it was decreed of this Apostolic See. Inclined by your prayers, we grant and confirm it by apostolic authority, together with all things generally and specifically pertaining to the aforesaid archbishopric. Namely all that your predecessors acquired by their labours, and that which, for love of the eternal homeland, has been bestowed there by the faithful of Christ or is still being bestowed.

Those who have been converted to the faith of Christ, by the prompting and protecting grace of God, the bishops among all the peoples of the Swedes or Danes, Norwegians, Icelanders, *Scridevinnun* [Ski-Finns; Sámi], Greenland,[37] and all the northern nations, and also in those parts of the Slavs, from the river Peene to the river Egidore, shall remain under the authority of you and your successors, archbishops of the Church of Hamburg, together with whatever you, God favouring, can rescue from the error of perfidy – men or places – and bring towards the Christian religion.

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[36] An incomplete version is reprinted in Peter De Roo, *History of America Before Columbus*, vol.2., p.527. (1900).

[37] Greenland was not yet discovered by Europeans in A.D. 912. Its discovery was still awaiting Eirik the Red in 982. But see the note on letter D.IX. (John X) for a discussion of why this apparent anachronism – in itself - might not be fatal to the overall genuineness of Anastasius III's letter.

We also transmit to you the pallium, and decree that its use is to be held by you and your successors perpetually, and inviolably retained.

And furthermore, we decree that no archbishop, whether of Cologne or any other, may claim any authority in your diocese. We also permit your head to be adorned with the mitre, which is the insignia of the Romans.

If anyone shall attempt to contravene or rashly violate this privilege of our authority in any way, let him be anathema; but whoever observes it piously shall obtain grace and blessing from our Lord Jesus.

Given through the hand of Adrian, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January, in the eighth indiction.[38]

[38] The eighth indiction would be 904-905 or 919-920. In neither year was Anastasius III the Pope. Anastasius presided in the fourteenth (911), fifteenth (912) and first (913) indictions. This fits with the letter being spurious.

C. Lando (913-914)

No letters or privileges survive.

D. John X (914-928)

D.I.

Letter of Pope John X to Heriveus, Archbishop of Reims[39]

(Year 914)

Reply of lord John, pope, to the inquiries of Heriveus, Archbishop of Reims, concerning the Northmen recently converted to the faith, some of whom had been baptised, rebaptised, and after baptism had lived as pagans. How they are to be dealt with; and finally, the absolution of themselves and their people.

John, bishop, servant of the servants of God, to our most reverend brother Heriveus,[40] Archbishop of Reims.

We received with the greatest willingness the sweet letters of Your Fraternity and Your Reverend Sanctity. Having carefully examined them, we are at once sorrowful and yet also greatly rejoicing.

Sorrowful, on account of such calamities, such oppressions and hardships, not only resulting from pagans, but also from Christians in your region (as your letters assert). Yet we rejoice over the people of the Northmen. Having been converted to the faith by divine inspiring mercy, they formerly delighted in shedding human blood. Now, through your exhortations, with the Lord cooperating, they rejoice that they will be redeemed and nourished by the blood of Christ.

We render to Him, from whom proceeds all that is good, manifold thanks, humbly supplicating that He may strengthen them in the solidity of true faith, make them

[39] For Migne's misattribution, see the Translator's Note above.
[40] Heriveus of Reims (900-922).

acknowledge the glory of the eternal Trinity, and introduce them to the ineffable joy of His vision.

Concerning that which Your Fraternity has made known to us – what is to be done regarding those who have been baptised and rebaptised, and after baptism have lived as pagans, killed Christians after the pagan manner, slain priests, and, sacrificing to idols, eaten the *idolothyta* [sacrificial meat] – if they were not neophytes in the faith, they would be subject to canonical judgement.

But because they are yet raw in the faith, we entrust to your judgement and discretion the task of testing them. You have them near you. Diligently observe the people who live near your borders, and examine their customs, deeds, and manner of life above others. You may well assess how much milder a treatment is warranted than that ordained by the sacred canons, lest, perhaps, burdened with unfamiliar weights, these people cannot bear them (God forbid!) and return to their former life, with the ancient adversary lying in wait.

If among them are found some who, according to canonical institution, prefer to mortify themselves through penance, and to atone for committed crimes with fitting lamentations, do not reject them from canonical judgement. In all things remain vigilant towards them, so that, coming before the tribunal of the eternal Judge with the abundant fruit of souls, you may deserve to attain eternal joys with blessed Remigius.[41]

The gift Your Sanctity deigned to direct to us, we have received with that love and affection you intended when sending it.

May divine majesty grant to you and all your subjects such a temporal life, that, with the intercession of blessed Peter, Prince of the Apostles, the bonds of your sins may be loosed, and you be led to the glory of the heavenly kingdom without any offence.

[41] St Remigius of Reims (459-533).

We bid Your Sanctity farewell, and entreat that you intercede with the most pious Lord for us with devout supplication.

D.II.

Letter of Pope John X to the Bishops of Narbonensis Prima

(Year 914)

[In Mansi, *Councils,* vol. XVIII.]

He confirms the ordination of Agius the metropolitan; condemns Gerald the usurper; sends the pallium to Agius.

John, bishop, servant of the servants of God,

to Reginald of Béziers,[42] Armand of Toulouse,[43] Riculf of Elne,[44] Guimera of Carcassonne,[45] Wigon of Girona, Gerard of Agde,[46] Thierry of Lodève,[47] Hubert of Nîmes,[48] likewise Theoderic of Barcelona,[49] Jordi of Vic (Ausona),[50] Radulf of Urgell,[51] the most reverend and most holy bishops of the churches of Christ.

Having received your letter concerning the metropolitan Agius, and recognising the plots and deceits inflicted upon him by the most wicked Gerald, we were greatly grieved. As though receiving the blow in our own body, we were brought low.

We wish it not to be burdensome to Your Sanctity, that the aforesaid Gerald, a liar, on coming to this holy Roman and apostolic Church, which by God's appointment I serve,

[42] Reinard of Bézier (906-933).
[43] Armandus of Toulouse (903-925).
[44] Riculf of Elne (885-915?).
[45] Guimera of Carcassonne (902-931).
[46] Gerard of Agde (899-922).
[47] Thierry of Lodève (911-949).
[48] Hubert of Nîmes (906-928).
[49] Theoderic of Barcelona (c.904-937).
[50] Jordi of Vic (914-947).
[51] Radulf of Urgell (914-940).

sought to snatch from us the episcopate, as though he were innocent. Although we did not yet fully recognise the craft of his iniquity, we were unwilling to lend assent without canonical censure. But of he himself, we have learned from the truthful report of many. Carrying I know not what false letters through subreption, as though in our name delivering them to you, by this pretext he plunders the episcopate of Narbonne with armed force. The venerable Agius, ensnared by his treacheries, is delayed from coming to the holy Apostolic See; and many other things about him we had already heard, even before your letters.

Through Eymin the archbishop [of Besançon],[52] we have sent to you our apostolic letters, that hold that same Gerald to be wholly false. You should not have him among the bishops. Now, since we have fully learned his malice, iniquity, and deceits from Your Fraternity, we will and by apostolic authority we command, that, as we have already written to you, and as the sacred canons testify, you should not have him among the bishops. He was neither chosen by the clergy or the people, nor was he ordained by you his comprovincials in the accustomed manner.

The privilege, the pallium, and the use of the pallium, to your metropolitan Agius, as your love requested, we have sent. We deny to no church that which justly belongs to it.

We wish you to fare well in Christ now and forever.

D.III

Letter from Pope John X to Hermann, Archbishop of Cologne[53]

(Year 914-917)

[Floss, *Die Papstwahl unter den Ottonen*, p.107.]

[52] Aymin of Besançon (c.915).
[53] For the addition of this letter to the John X corpus, see the Translator's Note above.

John, bishop, servant of the servants of God, to our most reverend and most holy brother Hermann,[54] archbishop of the holy church of Cologne.

The letters of Your Fraternity greatly gladdened us, and were sweet in our mouth like the purest honeycomb.

But our joy was doubled, when we discovered that you are in all things so devoted, so obedient towards the holy Roman church. For such pious love and holiness we give thanks to almighty God.

Concerning Ratbod the most reverend bishop, let your love know, that he, going to the threshold of the blessed apostles [Rome], came into our presence before the envoys of Count Meginhard. We gladly heard his complaints, and suffered with him in compassion. So that there might be true peace and concord between him and Meginhard, we admonished, and for the love of almighty God we placed ourselves as mediators between them, that no longer thereafter any scandal or strife should lie between them.

Your Fraternity has come to us for counsel, concerning what must be judged, if two brothers are defiled with one wicked woman.

According to the council of Neocaesarea, second title, they must do penance until death. But he who, having fallen through ignorance, shall recognise that he has gravely fallen. For so wicked a crime he can purge himself. The time of penance ought to be shortened for him, so that, after three years have been completed, having made worthy satisfaction, he may obtain mercy.

And if he is a youth, and cannot restrain himself, lest he fall into the pit of fornication, he shall have permission to marry with a lawful wife.

[54] Hermann of Cologne (890-924).

But he who knowingly has fallen into such a crime, according to the aforesaid definition of the council, ought to do penance, nor thereafter hope for permission of marrying.

But if anyone shall fornicate with his niece,[55] that is, the daughter of his uncle or paternal uncle, while having his own wife, he shall give worthy satisfaction. Once a period of ten years has been completed, suspended from his own wife, let him obtain mercy. After penance has been done, the wife whom he had before shall be granted back to him.

But concerning parricides and fratricides, what else can we judge, other than what the holy canons command, and Your Fraternity knows so well? Through all the time of their life they must persist in penance with great contrition. Nor will it be permitted them any longer to take up the belt of military service. Nor to be wedded or joined in the marriage-bed.

D.IV.

Letter of Pope John X to Abbot Teudelassius of the Monastery of Bobbio.[56]

(Year 914-917)[57]

[Zimmermann, *Papsturkunden*, vol. I., p.62.]

John, bishop, servant of the servants of God, to Abbot Teudelassius of the monastery of Bobbio.

It has been brought to our apostolic ears, that you show forth a privilege on our part and on that of our predecessors, by whose authority you withdraw tithes from the church of Piacenza. Moreover, you cause monks and clerics placed under your rule to be secretly

[55] Latin: Si uero quis cum nepte, id est auunculi uel patrui fornicabitur filia,
[56] Not included in Jaffé. For the addition of this letter to the John X corpus, see the Translator's Note above.
[57] Zimmermann's dating.

consecrated in various places against canonical authority, and that you presume many other unlawful things. Such presumption is absurd.

We recognise you as a presumptuous one, and a violator of your rule, and a despiser of the sacred canons. You did not even present in person before bishops and other catholic men, and also before the venerable John, bishop of Ticinum, a [spurious] letter supposedly proceeding from us. A letter which, relying on falsehood, permitted you, according to your own will, spurning your own bishop Guido [bishop of Piacenza], to go about freely. As if we, casting aside the authority of the canons, would follow your lie and your fraud.

But if, as you say, you obtained letters from the holy Roman See either secretly or by some wicked art, in every way we disapprove them. We prove you false. We know these letters to go against the holy canons.

Warning you, we command by apostolic authority, that you cease your foolishness and cease to do such things. Canonically obey your own bishop, in whose diocese you are situated, or his legate, knowing that he received privileges from our predecessors of apostolic memory. They have been confirmed and renewed by us, and require that the possessions of the church be exempt from exactions, and in no way shall be fraudulently diminished. What is canonical shall be preserved forever.

If indeed, in these things, you choose to be obstinate, we enjoin, that when the aforesaid Guido, bishop of the church [of Piacenza] wishes, either by letter or by messenger, you shall come before our presence, together with him and with his legate. There you may be instructed in ecclesiastical disciplines, of which we perceive you to be very ignorant.

We retain an exemplar of this letter with us, in the archive of the holy Roman church, through which, if you shall prove to be a contemner, we may convict you.

D.V.

A Treaty of Alliance Against the Saracens[58]

(Year 915)

[Zimmermann, *Papsturkunden*, vol .I, pp.68-69.][59]

By order of Pope John X (per iussionem et dictum domni Johannis X et universalis papae), a Roman delegation under the leadership of the (consul) Theophylact and the senator John swears (iuramus) to the (Byzantine) strategos Nicholas (Picingli) from Southern Italy (Longobardia), to the (southern Italian princes) Gregory IV of Naples, Landulf I and Atenulf II of Capua-Benevento, Waimar II of Salerno, and above all John I and Docibilis II of Gaeta, an alliance for the common struggle against the Saracens at the Garigliano near Gaeta, excluding any separate peace.

It confirms, in the name of the Pope (confirmamus … per iussionem et auctoritatem domni Johannis X et universalis papae), according to a privilege of Pope John VIII (about 873–875), to the princes of Gaeta the possession of the territories of Traetto and Fondi (territorium Trayectanum … civitatem et terram Fondanam) with all their appurtenances within the designated boundaries, and obliges itself (damus) to a one-time payment of 1000 mancuses to the princes of Gaeta after ratification of the treaty by the Pope, and to a further 1000 mancuses annually in the event of devastation of their lands.

D.VI.

The Privilege of Pope John X for the Monastery of Subiaco[60]

[58] For the addition of this to the John X corpus, see the Translator's Note above.

[59] Zimmermann provides the given summary of the Treaty, with the Latin fragments incorporated. Appendix A: IX of the present collection gives an account of a (probably forged) document, sourced from Liverani, whereby John VIII and John X reward the Monks of Monte Cassino for their efforts against the Saracens. In fact, with the Treaty confirming the lands to the lords, and Appendix A: IX confirming the same lands to the monks, we have duelling paperwork.

[60] This Privilege appears in Migne – see L.XIII – for John XII in 958, and if this is John XII's privilege, it would explain certain details relating to pontificate and indiction. The problem is an explicit reference to John X, but

(Year 916)[61]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.18.]

John, bishop, servant of the servants of God, to the venerable presbyter Leo, monk, and abbot of the monastery of St. Benedict and St. Scholastica, located near Subiaco, and to your holy congregation, and to your successors, forever.

The desires of pious will and the intent of laudable devotion are always to be aided by apostolic solicitude, so that lawful things may not be disturbed, but may remain in equity and firm strength, and with irrefragable jurisdiction, by the authority of God.

By the apostolic sanctions promulgated herein, and as each proper right of reason demands, we confirm them possessed.

Your Holiness has acquired very many holy places. All things pertaining to the honour and utility of your venerable monastery's jurisdiction, various castles, possessions, fields, and the multitude of servants, we decree that they remain under Your Reverence, the holy congregation, and your successors, servants of God, in perpetuity.

The places, fields, possessions, with all remaining and future servants, with tenants and tenant-women, and all their appurtenances, are hereby confirmed by the privilege of the Apostolic See, as you requested.

All the following are to be retained by that monastery:

The entire castle of Subiaco with all its buildings, boundaries, and limits, lands, houses, vineyards, fields, meadows, pastures, woods, thickets, fruit-bearing and non-fruit-bearing trees, wells, springs, perennial rivers, buildings and walls contiguous, adjuncts and adjoining properties, cultivated and uncultivated, empty and full, together with tenants of

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that is likely scribal error. L.XII explicitly references John XII, while giving context to this letter. Zimmermann (p.266.) also categorises it as John XII. While I accept the letter as John XII, I have left it here under John X for the sake of editorial convenience, with L.XIII referring back.

[61] Liverani's dating.

both sexes, arable and herbaceous land, or any other appurtenances pertaining to the domain of this castle. That which is accustomed to pay census to the holy Roman Church.

All these we confirm fully to you, with all their appurtenances and adjacencies, perpetually, for the use and benefit of the monastery of St. Benedict, and firmly establish that they are to be held without exception.

Together with the river, which begins at the Emperor's stone[62] and runs straight to the bridge of earth/stone, up to the lake beneath the monastery itself, with its water-mills. Then it flows into the Suricella through the alder grove and the willow grove, just as it is divided into parts by camps and plots, up to the place of the *mandra*,[63] with the watermills located there. Then it flows under the bridges to St. Angelo, and to St. Peter, and then into the meadows of the Aniene. Similarly, the other water, called Cona, with its streams, flows into the Aniene river. Likewise, the water called *Flumicellum* [Little River], together with the *Aqua Augusta*, bubbling and timid as it is called. All flow into the aforesaid river, up to the territory of St. Cosmas. With all their streams and banks, on both sides of the waters, generally and entirely with all their appurtenances. With all the mills on the same waters, both existing and to be constructed, and wherever fish can be caught in the aforementioned waters.

Likewise, the church of St. Felicitas, without any donation, we grant to you and your successors perpetually to hold, for the use and benefit of your venerable monastery.

In the same way, the estate of Jubentiana and Marana in full, with their lands, with their farms, livestock, and all their appurtenances wherever they may be. Likewise, the estate of Cantoranum, the seminary of Auricula and Arsula, Rubianum, Tuccianellum, Marcatellum, Paternum, Aprunianum, Arpellum, Lenanum; the Testina estate; the mountains called Gemini, descending into Trullanum and Gordianum; the estate of Sassa and the hill of the Ferraris,

[62] The Latin: una cum flumine, sicul incipit a petra imperatoris.
[63] A pen for cattle.

where there is a small monastery, with another located in Pisciano; together with a colony near St Valerius, on two sides, and half of the Ilice. Also, the Minianum estate, Castancolam, Lorinianum, Buburanum; and the Vallis estate, with the church of St Eleutherius. The Capramolente estate, with the church of St. Anastasius.

Also, the estate of Apollonius with the church of St. Martin; the Paternum estate, commonly called Pentoma; the Brucanum estate; the estate of St. Pamphilus; the estate of Daniel; the Merulanum, Pacacianum, Tospolianum estates, with the churches of St. Mary and St. Juvencius; the estate of St. Cyricus, the Cispa estate, the Romanum estate, with the churches of St. Angelo and St. Felix, situated within these boundaries:

On one side bounded by the Tiber river, on a second side by the Papal estate, on the third side by the arch of Fulguratus, descending into the mountain where the cypresses are, and ascending Mount Vulturella, and descending by a straight path through St. Mary into Piscianum, with all appurtenances pertaining to the aforementioned estates.

Similarly, the entire Calicianum estate with the church of St. Peter, also the monasteries of St Barbara and St Anastasius with two courtyards, one in front and the other behind, together with houses and estates and their appurtenances, situated in the city of Tivoli; one half of which belongs to the church of St. Mary in the same city, with houses, vineyards, lands, and their appurtenances; also the church of St. Helena with all its appurtenances, situated across the Tiber near the Marble Bridge. An enclosure of a vineyard, situated in the valley of Arcese, planted with vines, with narrower plantings of olives; also the church of St. Sebastian with its small vineyard and olive grove.

Likewise, an enclosure of a vineyard placed beneath the Tiburtine Posterula, next to the paved road, which is called Quarali; also another entire vineyard enclosure, called the Great Garden. Likewise, the estate of Casa Petra with its small vineyard enclosure called

'from the sorb tree.' Furthermore, a portion of the greater meadow, which was of Bishop Calvus.

Likewise, the entire estate of Staflianum; the entire estate of Romanianum; the entire estate of Paulinus; Ozanum, Criptulae, Pauzi; the estate of Dirutum; Anangolac, Macronianum; Seniissanum; Paternum in the Long Valley; the estate of St. Mary in Pesile; the estate of Donahelli; the estate of Factorium; the estate of Lucum; the estate of Catacumba with the church of St. Lawrence; the estate of Afri; with all the aforesaid estates, situated within the Praenestine and Tiburtine territory.

Also, the enclosure of the vineyard which is called Ancorana, entire, with its grove of trees. Likewise, the vineyard Peutotna, which was of Telualdus the priest, together with two portions of a vineyard next to St. Lawrence. Likewise, the entire estate Porclanicum with its appurtenances: Lundium, Otoravum, Arceanum, Palasavum, Cesuinae, Olibaunum, Campilionem, Oianum, Poianum, Caimmaravum, Collem Mundum, Ratilanum, Cocubatum, Pacuravum, and the church of St. Michael, with all their appurtenances, situated in the Campanian territory and in the lesser Fereitinellum.

Furthermore, the estate Falcomantum with the church of St. Nicholas; the estate Fontiuianum; Luccianellum; the estate of the Hill of the Blackbirds; Caprola, Orarum; Gratullianum; Ceruianum; Lahenzanum; Casanicum; and the estate Domus, with the church of St. Peter; the estate Poucia; the estate Pozorosano, together with an enclosure of vineyard placed next to the valley of Capranica, of four *modii*, with its chestnut grove next to St. Peter; together with its lands, vineyards, clearings, and woods, situated in the Atilan territory, in various places.

Likewise, in the Alban territory, the estate Soranum; with vineyards, lands, crypts, and the church of the Four Saints. Likewise, a portion of the estate Silva Major, which had belonged to Bishop Florus; likewise, in Zizium, six plots of vineyard; with an entire vineyard

enclosure placed in the estate Caesaranum. Likewise, two coppices placed at the saltworks of Poulum, with a portion of palm trees; together with lands, gardens, and granaries next to the garden of the Praefect. Likewise, the said meadows next to the Greater Gate: those two salt-pans, of which one in the marsh Retere, which is called Lurdinaria, the other in the Greater Field. In like manner, two entire houses with their courts and gardens in the church of St. Theodore, placed in the city of Rome, next to the greater meadow, which had belonged to Bishop Florus.

Likewise, two other houses, which had belonged to John and to Stephen the deacons, with their courts, pergolas, and a garden placed next to the Fountain of Claudia; and an entire vineyard enclosure, with apple trees and crypts, next to the road which leads to the Holy Cross in Jerusalem. Likewise, an entire house with its court and garden, with a vineyard and all its appurtenances, placed in the city of Rome in the seventh region, near the church of St. Vitus; and also a vineyard or land near the Holy Cross in Jerusalem.

Likewise, three plots of vineyard situated in Aricia: likewise, a house with its court situated in Soluirra. In like manner the church and monastery of St. Erasmus, with all its appurtenances and adjacencies, just as your writings testify. Likewise, two plots of vineyard situated in Ostia, of which one is in the estate of Maurus, and the other in Calabria, and is situated together with a cultivated and fallow meadow in the estate of Aguxanum.

All these things above named, with estates and hamlets, farms, churches, monasteries, houses, gardens, vineyards, male and female serfs, tenants and sub-tenants, rivers, water-mills, and fisheries; even if they are situated in other parts or cities assigned to your venerable monastery; by whatever instrument, or privileges, or donation of Christ's faithful, or exchange, or given to your congregation for the salvation of souls, or offered for the remission of sins, contained in whatever writings, new or old, we confirm to you and to your successors by our apostolic privilege, to be held and possessed perpetually.

Moreover, we confirm to you the entire hamlet which is called N.,[64] situated next to Quartum with its meadow, between these boundaries:

On the first side it has the hamlet Darbilianum;

On another the estate Moniluta, going out from the same meadow, through its boundaries, as far as the deserted walls, which are beyond the aqueduct, and they go out into the public road;

On the third side is the public road itself;

On the fourth the estate of the diverted water, descending through its boundaries as far as the young aqueduct, and it goes out through the aqueduct and returns through the boundaries next to the water, as far as the estate Barhilianum.

Likewise, the entire sixth estate, with its meadow next to the stream, between its boundaries:

On one side the road which goes to the bridge of Nona; and on another side is the public road, with its other boundaries.

All these things belonged to the holy places and to the holy Roman Church, which by God's authority we serve.

We, inclined by your prayers, through the tenor of this privilege, grant and confirm to you and to your successors all the aforesaid immovable places with their appurtenances, from the present first indiction,[65] in perpetuity, to be held for the use and utility of the venerable monastery.

Every day the priests and monks of that monastery, for the remedy of our soul and of the souls of our successors, shall cry in the said church one hundred *Kyrie eleison* and one hundred *Christe eleison*. The priests also, in the solemnities of the masses, three times in each

[64] The Latin: Praeterea continuamus vobis integrum casale, quod vocatur N. positum juxta quartum cum prato suo, inter hos allines

[65] Liverani argues this is the fourth indiction (916). John X did not reign during the first indiction (913). However, if this is a John XII letter from 958, there is no such problem.

week, shall offer the sacred oblations to Almighty Lord for the absolution of our soul and of the souls of our pontifical successors.

We ordain, by apostolic censure, under the attestation of divine judgement and the interdict of anathema, that none of our pontifical successors, nor any other person great or small, shall dare act against our pontifical privilege, concerning all the aforesaid immovable places with their appurtenances or adjacencies, or presume to alienate or take them away. We decree that they shall remain firm and stable through perpetuity, just as has been established by us.

But if anyone (which we do not wish) shall stand forth as a contemner of our apostolic privilege, or shall transgress in any of the things aforesaid, let him know that, by the authority of Almighty God and of our lord the Prince of the Apostles Peter, whose place we, though unworthy, by God's dispensation bear, he is bound by the chain of anathema and shall be estranged from the kingdom of God.

But whoever with pious intention shall have been a true keeper and observer of our apostolic privilege, by the merits and prayers of blessed Peter the Prince of the Apostles, and of St. Benedict, may he deserve to obtain rewards in the heavenly heights, and the grace and mercy of blessing from our Lord God the just judge, and life eternal.

Written by the hand of Leo, *scriniarius* [archivist/scribe] and notary of the holy Apostolic See; in the month of May, in the aforesaid first indiction.[66]

Farewell.

Given on the sixth day before the Ides of May [10th May], through the hand of Marinus, bishop of the holy Polimartian church, and librarian of the holy Apostolic See. In

[66] Liverani argues the fourth indiction: 916. But see next two notes.

the third year,[67] with God propitious, of the pontificate of our lord John X,[68] supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the month and in the aforesaid first indiction.[69]

D.VII.

Letter of Pope John X to Hermann, Archbishop of Cologne[70]

(Year 916-917)

[Floss, *Die Papstwahl unter den Ottonen*, p.103.]

John, bishop, servant of the servants of God, to our most reverend and most holy brother Hermann,[71] Archbishop of the holy Church of Cologne.

We received the honeyed letters of Your Holiness, and recognised the devotion in Your Fraternity's pious submission towards this holy Roman and Apostolic Church, which, by God's guidance, I serve.[72] We gladly rejoice, and render immense thanks to Almighty God, who deigns to preserve such a shepherd, so pious, so preeminent over his church, for the salvation of many, to the praise and glory of His name. Imploring Him, we pray that for your well-being, He may increase the years of restoration of His sheep, from darkness to light, and from many errors and squalors of wandering, to perfect indulgence, purification, peace, and tranquillity, and that when you shall have arrived [in Heaven], with the multiple fruit of souls,

[67] By 916, John X had been Pope for two years. Liverani does not address this discrepancy. However, if this privilege were that of John XII from Migne (L.XIII) from 958, we would indeed have the third year of the pontificate.
[68] The infamous Latin: Datum VI, idus Maii per manum Marini, sanctae Polimartiensis Ecclesiae episcopi et bibliothecarii summae sedis apostolicae, anno Deo propitio pontificatus Domini nostri Joannis summi pontificis et universalis X Papae in sacratissima sede beati Petri apostoli tertio, in mense et indictione suprascripta prima.
[69] If this privilege is that of John XII (L.XIII) from 958, we would indeed have the first indiction.
[70] For the addition of this letter to the John X corpus, see the Translator's Note above.
[71] Hermann of Cologne (890-924).
[72] The Latin: cui deo auctore deseruio. John X uses 'I' here, and not the Royal 'We.'

among the other holy pastors before His sight, He may deign to reward you in the glory of eternal felicity.

Concerning, however, that unfortunate who committed fratricide, about whom Your Fraternity wished us to deliberate, how sad and sorrowful we are we cannot express. From various parts of the world, the unheard-of excesses, nefarious errors, and crimes of many are announced. Because care for all and daily solicitude fall upon us, it is necessary both to suffer with them and to grieve and to have pity.

And therefore, dearest, just as your beloved wrote to us, Berengar[73] has undertaken penitence from Your Holiness. Having undertaken it with contrite heart and humbled spirit, he has striven to observe it in fasting and the giving of alms.

Grant to him the hand of mercy. Penitence is computed not by the number of years, but by the contrition of heart, affliction of spirit, and the compunction of tears.

For it is written:

"A contrite and humbled heart God does not despise."

Blessed Peter the Apostle, by whose body we unworthily sit, after his guilty denial quickly obtained forgiveness from the Lord, because he most bitterly wept at that which he had committed.

We, although unworthy, who act in [Peter's] place, do not deny those performing penitence with contrite heart, those who seek mercy piously and with the compunction of tears, lest we seem cruel of heart, closing the doors of piety, for whom our Lord Jesus Christ, without demanding merits, shed His precious blood.

Concerning, however, Berengar's spouse, still a young girl, whom you say should be kept from him, so that neither he nor his parents fall into the abyss of fornication. We do not deny [the marriage-bed] to all, but only to those who have striven to mortify their own body.

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[73] Not King/Emperor Berengar of Italy.

Berengar has been afflicted and chastised with great groaning and compunction, because it is necessary to abstain from what is lawful, when one commits what is unlawful without any fear of God.

From the time Berengar has undertaken penance, as we learn from his own words, he has not touched his proper wife. We now grant him to have her according to God's precept. We also allow him a horse for riding and other vehicles which human frailty requires.

Moreover, we open the entrance to the church for him, if he perseveres in the mortification of ecclesiastical penance. But to eat flesh and drink wine we grant only until the appointed time of satisfaction and measure imposed upon him by you in penance, on Sundays and other feast-days of the saints.

To bear arms before him when he rides, we grant permission to his vassal for defence against the plots of his enemies.

We do all these things for mercy, and for blessed Peter the Apostle, by whose most holy body he has taken refuge.

Concerning the safety of our Apostolate, and concerning the peace of this most sacred city of Rome, about which your diligence inquires, we least of all wish you to be unaware. By the clemency of Almighty God, though undeserved, and by your sacred prayers, we remain safe in body. Granting it by His mercy, and with the intercession of the most blessed apostles, through me, though a sinner, and by my own struggle, the Saracens, who for sixty years have wasted this land and possessed it as if their own, have been dispersed.

I opposed them with my own body for the safety of the Christians, and for a second time, entered battle through my own person and expended the treasure of the churches of God for Christian helpers.

Behold, many captives, afflicted for many years with miseries, have returned rejoicing to their homeland; churches once destroyed are being restored, and daily resound with the

praises of God. The whole land rejoices. Together they render thanks to Almighty God, who does not spurn those hoping in Him, but through my unworthy self has fulfilled in them His mercy, which He promised to those who hope in Him.

D.VIII.

Letter of Pope John X to Hermann, Archbishop of Cologne.[74]

(Year 914-925)

[Floss, *Die Papstwahl unter den Ottonen*, p.109.]

John, bishop, servant of the servants of God, to our most reverend and most holy brother Hermann,[75] archbishop of the holy church of Cologne.

We received the letters of your great and pious fraternity, full of all sweetness.

Concerning your desirable state of health – though weakened by the pressure of old age – granted to you by Almighty God for the salvation of His sheep, we are exceedingly gladdened. We ought to be, being filled not only with bodily but also with spiritual joy, giving thanks to Almighty God for your kind and devoted holiness. You hold such pious affection of mind towards this most Holy See, which we unworthily preside over. From this we gather how greatly the mercy of God has lifted up your heart in its divine contemplation. Before all others it bestows upon you both humility and meekness in the keeping of His commandments.

Though absent, we embrace, cherish, and love Your Holiness devoutly, as if you never at any hour or moment departed from the sight of our presence.

[74] For the addition of this letter to the John X corpus, see the Translator's Note above.
[75] Hermann of Cologne (890-924).

But concerning the use of the pallium, which Your Fraternity requests from us to be granted for all feast days. It has been bestowed by our predecessors, namely the venerable fathers, only for the predesignated solemnities. We dare not grant it [for all feast days], especially since the blessed Pope Gregory most strongly forbade it with the greatest adjuration. He altogether prohibited under oath the use of the pallium except on the aforesaid festivals.

Concerning the presbyter, whom you say has committed homicide in such a manner, the judgement of the sacred canons Your Fraternity well knows.

But if after a time of worthy satisfaction he should receive remission, we deem proper to leave the matter to your judgement and arbitration. You know his life and deeds and conversion, and can observe them all the better, inasmuch as you have them before your eyes and he never departs your presence.

As to that which your charity wished to consult us about, whether after penance has been performed he may return to sacred order, beginning from the head down to the fourth minister of the altar, we recognise this rule is to be observed.

The lesser is preceded by the greater in honour. So also in crime, and the one upon whom the greater guilt follows, let him be entangled in the greater punishment, and after penance let it be believed to be fruitful. For what does it profit to sow wheat and not gather its fruit? Or to build a house and not dwell in it?

After worthy satisfaction, we believe he can indeed return to honour, the prophet saying: *Shall he who falls not add that he rise again, and he who has turned away not return?* The same prophet says: *On whatever day you are converted with a groan, you shall be saved.* Whence the psalmist says: *Create in me a clean heart, O God, and renew a right spirit within my bowels; cast me not away from your face, and your Holy Spirit take not from me.*

The prophet asked that he not be cast away from God on account of the fall of his guilt – the king and prophet together had seized another's wife, her husband having been slain. Trembling he was afraid, and showing forth his crime, doing penance, he added: *Restore to me the joy of your salvation, and strengthen me with a guiding spirit.*

If he had not made himself worthy through penance, by no means would he have preached to others. For he says: *I will teach the lawless your ways, and the impious shall be converted to you.* For when the prophet looked upon his own sins cleansed through penance, he did not doubt to heal those of others by preaching, and he strove to offer sacrifice of himself when he said: *A sacrifice to God is a broken spirit.*

For indeed the prophet Ezekiel, under the figure of Jerusalem the transgressor, shows that, after the satisfaction of penance, former honour is restored. *Confound yourself, O Judah, and open your shame,* he says. And shortly after: *And you, he says, and your daughters, return to your former state.* Likewise, the evangelist John writes something similar to the angel of the church of Ephesus: *Remember therefore from where you have fallen, and do penance, and do the first works.*

On this matter, most dear brother, let these words suffice: that him whom you behold wiping away his sins with tears, do not doubt that he will obtain mercy in the sight of divinity, for He who came to redeem sinners by His blood despises no sinner who returns. If you see him persevere in tears and contrition of heart, for the sake of mercy, after three years extend to him the hand of piety, and do not deny him mercy, for a contrite and humble heart God does not despise.

D.IX. *

Letter of Pope John X to Unni, Archbishop of Hamburg

(Year 917[76])

[Liljegren, *Diplomatarium Suecanum*, vol .I, p. 21.][77]

He sends him the pallium and confirms the privileges of Hamburg.

John, bishop, servant of the servants of God, to the beloved brother Unni,[78] venerable archbishop of the Church of Hamburg: to you and to your successors in perpetuity.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state.

You have requested that we send the pallium and confirm the whole archbishopric of Hamburg to you and your successors in its entirety, just as it was decreed by blessed Gregory [IV], Nicholas [I], and our other predecessors, and as it was granted to you and to your predecessors, and confirmed by privileges.

We, by apostolic authority, grant to you and confirm by our privilege: all things which generally and specifically pertain to the aforesaid archbishopric, and whatever your predecessors by their labours acquired, or what has been granted by the faithful of Christ for the love of the eternal fatherland, or is still being granted.

Those who have been converted to the faith of Christ, by the prompting and protecting grace of God, the bishops among all the peoples of the Swedes or Danes, Norwegians, Icelanders, *Scridevinnun* [Ski-Finns; Sámi], Greenland,[79] and all the northern

[76] Mann's dating. Jaffé gives 920. The former creates dating problems for Unni of Hamburg.
[77] Reprinted in Peter De Roo, *History of America Before Columbus*, vol.2., pp.528-529 (1900).
[78] Unni of Hamburg (918-936).
[79] Horace K. Mann's *The Lives of the Popes in the Early Middle Ages*, vol.4, p.184. (1910) states the following regarding this passage: "Northmen had not only discovered Iceland and Greenland, but had even conveyed colonists thither. These events must have made some sensation even in the tenth century, and John so far provided for the future establishment of Christianity there as to put those distant countries, more or less romantic even now, under the spiritual care of the archbishop of Hamburg-Bremen. On the death of Bishop

nations, and also in those parts of the Slavs, from the river Peene to the river Egidore, shall remain under the authority of you and your successors, archbishops of the Church of Hamburg, together with whatever you, God favouring, can rescue from the error of perfidy – men or places – and bring towards the Christian religion.

Moreover, we decree that no archbishop, either of Cologne or any other See, may claim any power for himself in your diocese.

We permit your head to be adorned with the mitre, which is the insignia of the Romans.

If anyone presumes to act contrary to this privilege, let him be anathema; but whoever observes it piously, let him obtain grace and blessing from our Lord Jesus Christ.

Given on the fourth day before the Kalends of November [29th October], through the hand of Leo, chancellor of the holy Roman See, in the fourth year of the lord Pope John, in the fifth indiction [A.D. 917].[80]

Reinward in 917, King Conrad, who did not end his days till just before Christmas Day in 918, 'by divine inspiration' selected to succeed him not the elect of the clergy and people, but the elect's chaplain, Wenni or Unni. At least so the story was told to the good canon Adam of Bremen in the following century. To Wenni, as the papal bull proves, did John X send the pallium (29th October, 917). The privilege of John X confirmed the bulls of Gregory IV., Nicholas I., etc., and granted Wenni the pallium and jurisdiction over the bishops in Sweden, Denmark, Norway, Iceland, Scandinavia, Greenland, and in all the northern parts and in certain Slav localities. The privilege further subjected to the bishops of Hamburg all the countries they might bring to the faith. **No doubt this final concession explains the subsequent introduction into the bull of 'Iceland and Greenland,' which had no bishops in 917.** When these countries had been brought to the faith of Christ, some scribe who made a copy of the original bull after that event, would add their names to it; for he would regard them as clearly subject to the archdiocese of Hamburg. In conclusion, the privilege declared that the jurisdiction of the bishops of Hamburg was not to be interfered with either by the bishop of Cologne or by any other bishop. The date of the bull should be 'the fourth year of Pope John and the fifth indiction,' and not the first year of the Pope and the eighth indiction, as it appears in the printed editions. By such as question the authenticity of this document, it must be ever remembered that a bull is not shown to be invalid when it is shown that its date, as it is read in such copies as have weathered the storms of time, is not properly expressed; that the existence of a bull of John X is vouched for by Adam of Bremen, who had evidently examined it; and that nothing conclusive can be urged against the genuineness of the particular one which has come down to us."

In short, the original document of John X likely did not have Greenland in the text – this anachronism was added by a later scribe. The same would apply to the Anastasius III document, labelled B.II, were that letter not a forgery. If Mann is wrong, of course, both letters B.II and D.IX. are spurious in their entirety.

[80] The date corrected in accordance with Mann.

D.X.

Privilege of Pope John X Granted to Abbot Haicho

(Year 917)

[Dronke, *Codex diplomaticus Fuldensis*, page 308.]

He confirms the Privileges of the Monastery of the Saviour at Fulda.

John, bishop, servant of the servants of God, to Haicho, religious abbot of the venerable monastery of the Lord Saviour, and through him to his successors in the same monastery, the abbots in perpetuity.

Since we greatly care for all venerable places, insofar as possibility is given through divine aid, we strive for solicitude regarding their stability. Thus both divine clemency is appeased and the praise of the Church of Christ is advanced. With greater confidence we also dare to implore eternal mercy for the pardoning of sins.

Your Reverence petitioned that the monastery of the Lord Saviour, constructed by St Boniface, the archbishop, in the place Boconia near the bank of the river Fulda, be adorned with the protection of the privilege of the Apostolic See. Placed under the jurisdiction of our holy Church, in which by God the author we serve, it would be subjected to the jurisdictions of no other church.

Favouring pious desires, by our apostolic authority we give effect to that which is demanded, according to the privilege you have striven to show was perpetually established there by our predecessor of good memory, Marinus [I], bishop of this Holy See.

We prohibit every priest of whatever church to have any dominion or authority in the aforesaid venerable monastery, except for the Apostolic See, and the bishop in whose diocese the monastery has been constructed – to whom we grant permission only when there shall be opportunity of consecrating an altar.

We forbid anyone, unless invited by the abbot of the monastery, to celebrate the solemnity of Mass there. Indeed, just as it stands subject to the Apostolic See by the firmness of this privilege, may it remain endowed, and may it enjoy in perpetuity both the places and the goods it holds or possesses at the present time, and those which in future times divine mercy shall will to the same monastery, from the gifts and offerings and tithes of the faithful, without contradiction by any person.

Moreover, we decree that, at suitable times, it shall be reported to our ecclesiastical solicitude how the monastic religion is directed in regular habit, and bound in concord with fitting ecclesiastical rite. Lest perhaps, under cover of this privilege, the mind and steps of your uprightness be turned aside from the norm of justice.

Neither king nor bishop, nor count, nor any other person, great or small, is permitted to inflict any violence, or to make any controversy concerning the goods or families of the monastery. By our authority we forbid that any woman at all presume ever to enter therein. Let no one have a court in the monastery itself or in its other places. Let no one constrain the serfs or tenants to any service, except only those persons to whom the abbot for the utility of his necessity shall have given consent.

The brothers shall have the full power among themselves of choosing an abbot, whenever there shall be need, according to the rule of St Benedict, without contradiction by any person.

And to you, beloved son Haicho, because we know that you are a well-taught and eloquent man, we both grant and command by the authority of St Peter that you preach the word of God.

Therefore, decreeing with apostolic care, we determine by the page of this our decree, that if anyone, bishop of whatever church, or person endowed with whatever dignity, shall violate our privilege, which we confirm by the prerogative of the Prince of the Apostles,

unless he quickly repents, let him be anathema. Incurring the wrath of God, let him be cast out from the assembly of all the saints. Let the dignity of the aforesaid monastery, granted by us, remain perpetually inviolate, confirmed by apostolic authority. Whoever shall be the guardian and observer of this privilege, let him obtain blessing and grace from God.

Written by the hand of John, *protoscriniarius* [chief scribe] of the holy Apostolic See, in the month of May, indiction five [A.D. 917].[81]

Farewell in the Lord.

Given on the fourteenth day before the Kalends of June [19th May], by the hand of Stephen, *secundicerius* of the holy Apostolic See. In the year, with God propitious, of the pontificate of the lord John X, supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the fourth year of the reign of the most pious lord Berengar, by God crowned great emperor and Augustus, in the second year of his imperium and in the second year of his *patriciatum*, indiction five [A.D. 917].

D.XI. *

Pope John X confirms to Abbot Haicho of Fulda the exemption of his monastery, in accordance with request.[82]

(Year 917)[83]

[Zimmermann, *Papsturkunden*, vol. I., p.73.].

John, bishop, servant of the servants of God, to Haicho the religious abbot of the venerable monastery of the Holy Saviour, and to all the abbots of the same place in perpetuity.

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[81] Indiction five ran from 24th September, 916 to 23rd September, 917.
[82] For the addition of this to the John X corpus, see the Translator's Note above.
[83] Zimmermann's dating.

Those things which agree with reason ought always to be granted. It is fitting that authority should by no means deny the granting of privileges to the devoted founder of a pious construction.

You have requested from us, dearest one, that the monastery of the Saviour, built by St Boniface the Archbishop, in the place called Boconia, near the bank of the river Fulda, be honoured with the privilege of the Apostolic See. Being established under the jurisdiction of our holy church, which by God's authority we serve, it may not be subjected to the jurisdictions of any other church.

Favouring these pious desires, by our authority we effect what is requested.

We forbid every priest of whatever church to have any dominion or authority in the aforesaid monastery, except the Apostolic See and the bishop in whose diocese the venerable monastery is built. To him we grant the licence only when there is need of the consecration of an altar. Unless invited by the abbot of the monastery, no one at all shall presume in any way to celebrate there the solemnity of masses.

According to that which stands firm as subject to the Apostolic See, the monastery may remain immovably endowed, in places and in goods, both those which at the present time it holds or possesses, and those which in future times divine piety shall increase from the gifts and oblations and tithes of the faithful. Without contradiction from any person, it may enjoy this in perpetuity.

We also decree, in our solicitude, that the monastic religion shall be directed by regular habit, and the concord of the brethren subjected to ecclesiastical discipline. Lest perhaps (God forbid), under the pretext of this privilege, the mind and conduct of your rectitude be twisted from the norm of justice.

But this we command and most strongly confirm, under the threat of divine retribution. What St Boniface gathered together and what the faithful conferred upon the

aforesaid monastery, no one else may dissipate. No one may take away or receive into benefice anything from the revenues and estates or households pertaining to the service of the brethren, or to the guesthouse or the reception of guests. As St Boniface established, let all things be ordained and regularly arranged, both in stipends of the brethren and in the uses of diverse offices.

By the page of this decree, whatever person of whatever dignity violates this charter of our privilege, confirmed by the authority of the Prince of the Apostles, let him be anathema. Incurring the wrath of almighty God, let him be cast from the assembly of the saints. Let the dignity of the aforesaid monastery, granted by us, remain perpetually inviolate, supported by apostolic authority.

Given in the month of September, in the second indiction,[84] through the hand of Mirianus the chancellor.

D.XII.

Pope John X's Privilege for the Church of Autun

(Year 919)

[Gallia Christiana, vol. IV, in *Instrumentis*, p. 70]

He confirms the possessions of the Church of Autun.[85]

John, bishop, servant of the servants of God, to the most reverend and most holy bishop of the holy Church of Autun,[86] and through you to your successors in the same Church, in perpetuity.

[84] September 917 would be the fifth or sixth indiction. Indiction two would be September 913 to September 914.
[85] Migne states this is at the request of *Bishop Heriveus.* But Heriveus was of Reims, not Autun.
[86] Gualo de Vergy of Autun (c.894-919) or Hervée de Vergy of Autun (c. 920-929).

It is fitting that we, who have received the office of ecclesiastical leadership, with divine piety assisting, should, in the management of ecclesiastical affairs, suffer the injuries of our brothers and bishops, lend aid with the weapons of ecclesiastical authority, and rejoice in restoring the faithful by offering support of confirmation.

Your filial devotion has requested our paternal care, that by the privilege of our authority we should confirm the lands and villas assigned for the use of your Church.

Namely that dedicated in honour of Blessed Nazarius the martyr, the villa Tiliniacum with its appurtenances, which your predecessor and uncle had assigned for their use by the consent and authority of Count Richard and his sons. Likewise also the mint of your city, which your predecessor acquired by the command of our son, the most glorious King Charles; and from your liberality the tithes of all the revenues of the Churches of your diocese, which in the third year come both from those due to you and also from those that fall to your ministers. Likewise three chapels: one in honour of St John, another in honour of St Leodegar, a third in honour of St Eptadius.

We decree, moreover, by the authority of our privilege, that the villa named above, with all the aforesaid, shall remain in perpetuity for the use of the canons without ambiguity or delay. Not only that, but all their possessions, namely Ruiliacum, which your mother's munificence conferred on them by the consent of Count Richard. Likewise Biliniacum, Sussiacum, Mariasolium, and also Simpiniacum and Mariniacum, with all their entirety and all their appurtenances, we confirm for their use by the privilege of apostolic authority; and under the penalty of excommunication. That no one may dare to violate it, we forbid by pontifical authority.

If any presumptuous person with rash daring should attempt to oppose, infringe, contradict, remove, or in any way diminish what at your humble petition, and for the alms of kings and princes, and also for the soul of your predecessor, our apostolic liberality has

confirmed and strengthened by the authority of this privilege, let him know he is bound eternally by the bond of anathema by the Father, and the Son, and the Holy Spirit. Like Judas the betrayer of our Lord Jesus Christ and the sacrilegious thief who stole that which was to be given to the poor, he shall be consigned to the fire of eternal burning, and to the abyss with the demons, and immersed without hope of recovery.

But may the guardians and observers of this our decree receive the blessing and peace of our Lord Jesus Christ for centuries.

Written by the hand of Adrian, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of November, indiction eight [A.D. 919].[87]

Farewell.

D.XIII. *

Pope John X's Privilege for the Monastery of St Gall

(Year 919)

[Neugart, *Codex diplomaticus Alemanniae*, vol. II, p. 11]

He grants again, to Bishop Solomon of Constance and the Abbot of St. Gall, the privilege of immunity and free election, previously given by emperors and kings to the same monastery and confirmed by Pope Sergius III.

John, bishop, servant of the servants of God, to all the faithful of the holy Church of God.

We wish it to be known that a certain venerable man named Solomon, from the regions of Germany, bishop of the Church of Constance and abbot of the monastery of St. Gall, made known to us through his envoys, with the permission of his superior King Conrad,

[87] Indiction eight would be September 919-September 920.

that he wished to come to the thresholds of St. Peter for prayer, and also for our visitation. Because of the assaults of the turbulent peoples raging in those regions, he was unable to come.

It was also made known through the same envoys that he had already come to Rome under our predecessor, Pope Sergius [III] of blessed memory, and was kindly received by him. Granted the familiarity of his authority, among other things he requested from the apostolic seat that the privilege of the aforesaid monastery, which from ancient times until the reign of King Arnulf had been subject only to kings, so that the brothers dwelling there might have the power to elect an abbot among themselves, be restored, because it had been violated on his account.

For he had acquired that monastery as a benefice from King Arnulf.

He obtained from Arnulf's son Louis, by prayers, that they should order the privilege restored; and with the licence obtained, it should be renewed and confirmed by apostolic authority.

This he requested as a bishop before our predecessor, and so, through his envoys, with the licence granted by his lord King Conrad, he obtained it from us. Recognising the veneration of his piety, we willingly granted assent to his petition, and by the authority of our Apostolate made a firm writing, by which we confirmed the privileges and statutes previously granted to the aforesaid monastery. Now and henceforth the brothers of the monastery may be disturbed by neither bishop, nor abbot of another monastery, nor count, nor any other person, but that which has been sanctioned and established by apostolic authority shall remain firm and inviolable forever.

If anyone (which we do not wish, but indeed forbid), should presume to act against this privilege and attempt to violate it, let him know that unless he repents, he shall be subjected to the bonds of anathema and alienated from the kingdom of God. And whoever

presumes and does not repent, let him be anathema, and go alienated from the kingdom of God, and be immersed in hell with the devil without end.

Also, at the requests of the religious bishop, with the venerable envoys earnestly supplicating, we granted that, contrary to our custom, the Roman charter be transcribed on the parchment they had brought with them, with writings of the notaries exchanged, and that it be sealed below with our ring, so there be no doubt about what is written.

Whoever shall be true executors and observers of these things written by our authority may merit the blessing and grace of the Lord God forever. Amen.

Farewell.

Written by the hand of Epiphanius, notary of the holy Roman Church, in the month of February.

Given by the hand of Bishop Peter of Orte, 8th March, indiction eight,[88] in the reign of lord Berengar, year four, after the Caesar was consecrated happily in the name of God.

Amen.

D.XIV.

Privilege of Pope John X to the Monastery of St Mary in Organo of Verona.[89][90]

(Year 920).[91]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.51.][92]

John, bishop, servant of the servants of God, to Benedict, abbot of Verona.

[88] Indiction eight would be February and March 920. Nevertheless, Migne dates the letter as 919.
[89] For the addition of this letter to the John X corpus, see the Translator's Note above.
[90] With this letter not in Zimmermann under John X, it is possible Zimmermann ascribes this to another Pope John.
[91] Liverani's dating.
[92] Liverani states the document is "apocryphal, corrupted, and perhaps spurious."

For his ecclesiastical goods, we, invoking the mercy of God and ours, and lamenting with him over his church, have by apostolic right granted the abbey of Verona, subject to the church of Aquileia, with certain happily presiding persons, to Benedict, abbot of Verona. By apostolic right, we confirm it with respect to the holy church of Aquileia according to the manner of Roman election.

We comfort him, lamenting and weeping over this matter, because it is our role to help orphans, exalt widows and monasteries, and those fleeing to us from whatever tribulation. To Benedict, abbot of Verona, fleeing with tearful complaint, lamenting over the goods of his church and over certain adversities, we give counsel to the church and console him.

We reestablish this church so that it may be as it was in the time of the pontiffs of that church, in the time of Paul and the patriarchs and Abbot Ferocius. This same church looks to the Holy See of the church of Aquileia, and we grant that it shall obey all its rights. No one shall consecrate it, or demand anything, except the patriarch of the church of Aquileia, and Benedict, the abbot, and his successors, or whomever either Benedict the abbot or the patriarch shall wish to approve, and their successors, and whomever they shall wish to intervene.

By this privilege, written by our hand, we confirm the abbey of Verona, given to Benedict by the collation of the pontiff of the See of Aquileia, with all that pertains to it.

Namely: the churches of St Mary Antiqua, St Margaret, Saint Mary on the Islet, St Mary of the Xenodochium, and St Mary in Siciano, and the canonica of St Lawrence in Siciano, and St Mary of the Conservalla, and the churches of St Marlin, Faustinus, and Jovita, with all churches and xenodochia pertaining to the monasteries of St Mary in Organo, and St Mary in Gejo, and the clerical churches pertaining to them. We grant them to consecrate, govern, request, or whomever they wish to request, to the church of Aquileia.

As it was in the time of Paul and Elijah, patriarchs, so it shall be in our pontificate, with regards to the patriarch and his successors, and the Abbot Benedict's power, to consecrate churches, correct and reform the clerics pertaining to them, and to exhibit obedience to Benedict, the abbot, and his successors.

And whatever, according to the rule of the holy fathers, is especially commanded to them, or commanded under apostolic authority, no one shall presume to violate, nor to exercise any force, neither in the aforementioned churches nor the clerics pertaining to them, nor in the lands, nor in the pastures, nor in the rivers, nor in the mountains, nor in the hills, nor in any of the churches or places.

Specifically, we forbid the bishop of Verona, under apostolic law, from opposing this church in any works or in any way. If anyone, lay or cleric, shall attempt to oppose in these matters, they shall be condemned by our anathema and repelled from the common fellowship.

Written by the hand of John, cardinal and chancellor, in the place of Peter the deacon, in the month of September, in the eighth indiction [A.D. 920].[93]

Given by the hand of Dodo, bishop and librarian of the holy Roman church, in the month and indiction above written, at the most Holy See of Blessed Peter the Apostle, in the seventh year, by the mercy of God, of the pontificate of lord John X, supreme pontiff and universal pope.

D.XV.

Pope John X's Privilege Granted to Paul, Bishop of Adria

(Year 920)

[Ughelli, *Italia sacra*, vol. II, p.401.]

[93] The eighth indiction ran from 24th September, 919 to 23rd September, 920.

John, bishop, servant of the servants of God, to the most reverend Paul, bishop of the Church of St. Adrian.

You have requested that we grant to you, and your church, the estate of Bone uno, which is called Rhodige, and the forest which is called Grumpi, or Piscarium, which is called Longole. Also the estate called Romiliacus, located in Caneglada, and the property Crispo with all appurtenances and adjacencies, so that it may be permitted to you to build a castle in the district of Rhodige for the protection of the people of your holy church.

And moreover, that we grant the support of the people permanently dwelling in the territory of Rhodige to the city of Adria for the restoration of your church, which has been destroyed and utterly laid waste, decreeing that no one may, from the territory of Rhodige…

D.XVI. *

The Privilege of Pope John X Granted to Honestus, Archbishop of Ravenna[94]

(Year 921)

[In Mittarelli, *Annales Camaldulenses*, I, appendix 34]

In the name of the Father, and of the Son, and of the Holy Spirit, Amen.

In the seventh year of our lord John, supreme pontiff and universal pope in the Apostolate; in the reign of lord Berengar, most serene emperor, in the year of his empire […] the tenth, in the month of March, indiction nine [A.D. 921],[95] at Rome in the Lateran.

You have asked of us, the lord John, supreme and universal pope of the most sacred Apostolic See of blessed Peter, that we grant to you, Honestus,[96] by divine favour archbishop

[94] See Appendix A: VII for the Imperial envoy's discussion of this Privilege.
[95] The ninth indiction ran from 24th September, 920 to 23rd September, 921.
[96] The Archbishop of Ravenna at the time was Constantine (914-926).

of our holy Church of Ravenna of blessed Apollinaris, and to your successors, for perpetual possession.

Wherefore, by our Apostolate of the blessed apostle Peter […] it is the way of obtaining, whenever you have requested benefits from our holy Roman Church in such manner that her rights be not harmed, but that Rome may rather increase than diminish. Therefore, just as […] from the Apostolate of this our holy universal Church, as we deem it fitting and just […] to receive the blessing […] we grant and give and hand over, and likewise […] from this our holy Roman Church to you, Honestus, our beloved brother, and by your hands to the aforesaid holy Church of Ravenna, daughter of this our holy Roman Church […] for perpetual possession by your successors in their own right.

That is: we grant, and from us alienate, and into your hands deliver and emancipate to you, just as our other holy Fathers have handed over and emancipated; so too we, by this page of our decree of emancipation and likewise of confirmation, emancipate the whole estate which is called Campilio, together with all its farms, and all its legal appurtenances, its fisheries also and its hunting-grounds, and all subject or pertaining to it, situated in the territory of Gavello between the river Adige and the river Po.

In like manner we bestow and confirm, and hand over, and in perpetuity emancipate from the right of our holy Roman and universal Church into the aforesaid holy Church of Ravenna, the whole and entire estate which is called Fiscalia, together with all its farms and all its legal appurtenances, and also all villages and parish-churches situated in that estate, its fisheries also and its hunting-grounds. Likewise all tribute, census, and temporal and annual exaction, and all that pertains from the aforesaid estate to the holy Roman Church, situated in the territory of Ferrara.

In this manner we hand over and emancipate from us both estates into you, Honestus the archbishop, and into your successors in perpetuity, that you may have, hold, order,

dispose, and have the power of judging in perpetuity with your successors, as the rights of the holy Church of Ravenna of blessed Apollinaris. As we have said above, purely and absolutely, and without any condition, we have remitted and emancipated to you and your successors in perpetuity.

If anyone from the whole clergy, or any person, adorned with any dignity, or a private person, brings any suit against this title of our privilege and emancipation, let him pay and give one hundred pounds of the best gold, half to our Lateran treasury, and half to the holy Church of Ravenna of blessed Apollinaris, and let him be excommunicated from our most ample Apostolic See, and under anathema and […] of the first and holy councils of Nicaea, Constantinople […] and whatever honour he may seem to hold, let him […] be deprived […]

D.XVII.

Letter of Pope John X to Hermann, Archbishop of Cologne

(Year 921)

[From Mansi, Councils, vol. XVIII]

He orders him to come to Rome, together with Hilduin and Richer, who were contending over the bishopric of Tongres [Tongeren]

John, bishop, servant of the servants of God, to our most reverend and most holy brother Hermann,[97] Archbishop of the holy Church of Cologne.

Since we are, by heavenly mercy, set as rulers of the Lord's people, it befits us to consider diligently the protection of God for the salvation of our subjects, lest their souls being frustrated (God forbid!) by the snares of the ancient enemy we be compelled to render a strict account before the Shepherd of All. The faithful and prudent servant of the Lord is set

[97] Hermann of Cologne (890-924).

over the household, in order that he may give them food in due season. Priests give fruit appointed to God in due season, when they offer what is fitting for the salvation of all their subjects.

Your Fraternity rejected, by your deeds, the sentence of the Apostle [Paul] (1 Tim. 5), who warns that one should by no means lay hands upon anyone lightly. You adorned Hilduin with the episcopal office, contrary to the canons confronting him, without the election of clerics and the acclamation of the laity, through fear of Gislebert – even though the ancient custom prevails, whereby no one ought to confer a bishopric on any cleric except the king to whom the sceptres have been divinely granted. Gislebert did not fear to attempt this, when it was not granted to him, I think, because he presumed unlawfully.

The reasoning behind this remains weak.

As the testimony of King Charles [the Simple] shows, and the letters of our beloved son, Berengar, the most glorious emperor, testify, Richer was first elected by the clergy and desired by the people. Why did you impose, as though it were some temporal advantage, the gift of the Holy Spirit upon him to whom it was not permitted? We altogether marvel; since it is written: “The man of understanding will possess the government” (Proverbs 1). In the Old Testament it is sanctioned by divine law that the priests should take the breastpiece from the sacrifice of the Lord (Leviticus 7). Not for any other reason, except that by the sacrifice they may learn what they ought to immolate to their Creator.

Since we ought diligently to offer ourselves to God, why do we not despise to follow others who err? It is written: “If you separate the precious from the vile, you shall be as my mouth” (Jeremiah. 15).

You feared man more than God. What was done to no purpose, being instructed by our admonition, we wholly warn you to amend swiftly. We wonder why you attempted to act

without the king's command, against reason: since you may recall, a bishop cannot be consecrated in any diocese without the royal precept.

Nevertheless, in the month of October, strive to come to the threshold of the apostles [Rome] with Hilduin and Richer, so that in our presence, assembled with our bishops, you may explain what canonical authority commands in this matter. And if perchance, on account of fear of pagans, you cannot then come, on the Kalends of April [1st April], all excuse set aside, come to us as soon as possible, as has been decreed. And then, all error being rooted out, let him who is found worthy enter through the door into the sheepfold, and not by another way, lest he be considered a thief.

For we in no way wish to take away the honour of King Charles, but for the strength and love and kinship of our beloved son Berengar, the most glorious emperor, as was the custom of his royal predecessors before him, we are pleased that he obtain such undiminished and unshaken dominion. As it was reasonably established that the earlier kings, by the authority of our predecessors, should ordain a bishop in each diocese, so we command King Charles do by confirming.

Until that time, as has been decreed, let the bishopric of Liège remain in your power, so that Hilduin may by no means dare to perform any sacerdotal ministry there.

D.XVIII.

Letter of Pope John X to King Charles III [Charles the Simple]

(Year 921)

[From Mansi ibid].

He signifies he has written to Hermann, that he may come to Rome with Hilduin and Richer; and that he has also excommunicated Hubert on account of the depredation of the Roman Church.

John, bishop, servant of the servants of God, to his beloved son Charles, glorious king.

In you shines forth sincere charity and perfect gentleness. Because this happens by divine dispensation, we render to our Maker God immense thanksgivings.

Exhorting your sonship, we urge, that, ever remaining solicitous, you do not permit your subjects to go astray over precipices. Your regal sceptres remain exalted, when by the dispensation of the Holy Spirit you do not neglect to correct what has been wrongly done.

Our beloved son Berengar, most glorious emperor, sent to our Apostolate letters about Richer, elected by you in Liège, and by all the clergy and people, and in what manner your faithless Gislebert did not fear to command Hilduin to be consecrated. Moved by the request of our beloved son, we took care to send letters of our Apostolate to Hermann the archbishop,[98] so that in the middle of October, he and the others should not delay to come to the threshold of the apostles [Rome]. Thus, by probable proofs, canonically, he who is worthy may be approved; but he who is seen not to be worthy, may be rejected.

Until that time, we expressly order by admonition that Hilduin in the aforesaid church, which is called Liège, not hold any governance or exercise priestly ministry. Yet, because the love of Berengar flows abundantly in you, it is fitting that your sincerity and kinship should appear more readily in him, and that he remains most steadfast on account of your affection, so that you may recognise what comes of his help.

Concerning that which Gislebert did against your sceptres to no purpose, we were deeply grieved. Ancient custom and the nobility of the realm have determined that no one ought to ordain a bishop without the command of the king. Hermann the archbishop, fearing the intimidation of a man rather than God, consecrated Hilduin at the command of Gislebert,

[98] Hermann of Cologne (890-924).

so we have sent him a summons, that in mid-October he come [to Rome] with Hilduin and Richer (if due to fear of the pagans they cannot travel then, on the Kalends of April [1st April] with every excuse put aside). Then, speaking in detail for the honour of your realm, we shall utterly root out what has happened to you through Gislebert, so that afterwards neither he, who acted as author of iniquity against your sceptres, nor any other may dare to inflict any harm in your kingdom.

We also make known to you how we and Berengar, most glorious emperor, our beloved son, sent admonishments to Hubert, so that he might make amends for the depredations and burnings committed in the holy Roman Church. But he resisted, and with proud voice contradicted this, and was unwilling to make amends. According to the duty of our ministry, we have excommunicated him, and bound him with the chain of anathema, together with all his followers. We disclose this to your highness, so that no one of your kingdom follow him, or bestow aid upon him: for not only have we bound those who follow him, but also those who take delight in giving him aid.

D.XIX.

Pope John X informs Archbishop Wigfrid of Cologne that, at the request of Abbess Landsuid, the women's convent in Cologne, restored by Archbishop Hermann, has been taken into papal protection.[99]

(Year 925-926)[100]

[Zimmermann, *Papsturkunden*, vol. I., p.88.]

[99] For the addition of this to the John X corpus, see the Translator's Note above.
[100] Zimmermann's dating.

John, bishop, servant of the servants of God, to our most reverend brother Wigfrid,[101] archbishop of the holy church of Cologne, and to all the clergy and people of the aforesaid holy church of Cologne, our beloved sons.

Pastoral governance teaches us to grant, and thus it is seen as fitting that what is apostolically requested by supplication should be strengthened by the prayers of those who petition.

Landsuid, most humble abbess, together with her other sisters, has suggested to our Apostolate that the monastery of virgins situated near the city of Cologne – which Archbishop Hermann[102] restored in honour of the holy Mother of God and ever-virgin Mary, and of the eleven thousand virgins – should be protected by our apostolic guardianship.

Thus, it may remain at all times under our apostolic protection, for the honour of our Lord Jesus Christ and for the salvation of our soul. No one may bring anything contrary into the holy place, but just as Archbishop Hermann established it and confirmed it by his writing, it shall remain hereafter under our apostolic protection.

Amen!

D.XX.

Letter of Pope John X to John, Archbishop of Salona (Split) and his suffragans.

(Year 925–928)[103]

[Farlato, *Illyricum sacrum*, vol. III, p. 93.][104]

John rebukes him and his suffragans from the Roman See, long neglected, and laments that they follow the doctrine of Methodius. He exhorts them, that with the counsel of

[101] Wigfried of Cologne (924-953).
[102] Hermann of Cologne (890-924).
[103] Liverani's dating.
[104] The wording of the letter is that given by Liverani, *Delle opere di monsignor Francesco Liverani*, vol. IV, p.76. Migne only gives a fragment.

John, Bishop of Anconita and Leo, Bishop of holy Palestrina, they correct their faults, and especially see to it that the ministry of the sacrifice be performed according to the customs of the Roman Church, in the Latin language, and not in a foreign one.

John, bishop, servant of the servants of God, to our most reverend and most holy confrater John,[105] archbishop of the church of Salona [Split], and to all his suffragans.

The religion of your devotion, through the course of many years and the passage of months, has neglected to visit the holy Roman and apostolic and universal Church, in whose chair, by the authority of God, we preside. We are altogether amazed.

Through charity, all religion reaches solidness and pertains to the rock, as it is written: 'You are Peter, and upon this rock I will build my Church'.

Namely, my Church. What else is it to say but that it is established without reproach and in the strength of God, having no stain or wrinkle? Whence all the intelligence of the Church and good doctrine must be received?

As fame reveals, we have learned that through the negligence of your diocese another doctrine has sprung up, not found in the sacred volumes, you being silent and consenting. Unless we are greatly deceived, according to the Apostle [Paul]: 'If anyone teaches otherwise than that which is found in the sacred canons and volumes, even if an angel from heaven, let him be anathema.'

Far be this from the faithful, who worship Christ and believe they can have another life through works. Neglecting the doctrine of the Gospel and the volumes of the canons and the apostolic precepts, they flee to the teaching of Methodius, which we find in no volume among the sacred authors.

[105] Ivan II of Split (914-928).

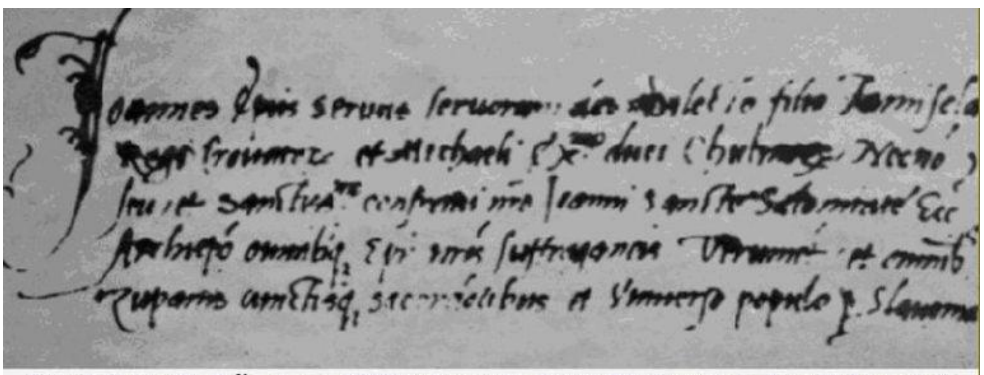
We exhort you, dearest, that, together with our bishops – John of the holy Anconitan church and Leo of the holy Palestrina church – you boldly endeavour to correct all things throughout Slavic lands.

That is, so that you in no way presume to deviate in anything from the doctrine of those aforementioned bishops.

Thus, according to the customs of the Roman Church, they may perform the ministry of the sacrifice of wine in the Latin language, not in the Slavonic, because no son ought to speak or understand anything unless it has been disclosed to him. The Slavs are most special sons of the holy Roman Church, and they must remain in the doctrine of the mother. As the Apostle Paul says: 'Little children whom I begot through the doctrine of the Gospel,' and again: 'A wise son gladdens the father.'

In this we rejoice, if the Slavs delight to follow our doctrine, that they may offer a sacrifice pleasing to God. Those who sacrifice without faith and offer pure libations to God, I fear for, lest that may come to them which is written: 'Cursed is the man who negligently does the works of God.'

I admonish you that the root of evil may not sprout in your regions; but that your preaching be assiduously purified, so that you may be able to offer fruit to God through the preaching of your ministry, some a hundredfold, some sixtyfold. That whoever has ears may dare to hear.



Papa Ivan X. piše god. 925. "dragom sinu Tomislavu, kralju Hrvata"

D.XXI.

Letter of Pope John X to Tomislav, King of the Croats, Michael, Duke of Zachlumia, et cetera

(Year 925[106])

[Farlato, *Illyricum sacrum*, vol. III, p.94.][107]

He exhorts Tomislav, king of the Croats, Michael, duke of Zachlumia, John and his suffragans, all the župans, all the priests, and the entire people of Slavonia and Dalmatia, that they offer the youngest boys from the cradle to the study of letters to God, and that they do not allow the sacrifice to be offered to God in the barbarian or Slavic language. He proposes the example of the Saxons, who, under Pope Gregory [I], learned both doctrine and the study of letters in the language in which the apostolic Church's vestments are maintained. He urges that they follow the precepts of John, Bishop of Anconita, and Leo, Bishop of Palestrina.

John, bishop, servant of the servants of God, to our beloved son Tomislav, king of the Croats, and Michael, most excellent duke of Zachlumia, and also to our most reverend and most holy confrater John, archbishop of the holy church of Salona [Split], and to all suffragan bishops. Indeed also to all župans and all priests, and to the entire people dwelling throughout Slavonia and Dalmatia, our most beloved children.

By the divine dispensation of Almighty God, it has come about that the care of all churches has been entrusted to us, so that through spiritual increase we may root out utterly

[106] EN 03 - Kralj Tomislav – Jaffé cannot narrow the date within John X's 914-928 tenure.
[107] The wording given is that of Liverani, p.78.. Migne only gives a fragment.

the darkness of iniquity from every assembly of Christians, especially from those who are proven to be the most special sons of the holy Roman Church.

For who doubts that the kingdoms of the Slavs are counted among the first fruits of the apostles and of the universal Church, when from the cradle they received the food of apostolic preaching with the milk of the flesh? Just as in new times the Saxons, from our predecessor of blessed memory, Pope Gregory [I], received both doctrine and the study of letters, in that very language in which their mother apostolic Church remains vested.

We exhort you, dearest sons, that the charity of God may shine through a zeal for righteousness in your hearts. So that, expelled from all torpor, your minds may please Almighty God; and because in the commandment of the Decalogue it is committed that we should give tithes and first fruits from our faculties.

Now indeed it is commanded that not only from our faculties, but also in the days of our life, within the allotted time, we should offer tithes to God.

We exhort you, O dearest sons, that you offer your most tender boys from the cradle to the study of letters to God. So that, divinely instructed, they may by God's admonitions lift themselves from the snares of sins to the heavenly homeland, in which Christ is, with all the hosts of the elect.

For who indeed, being a special son of the holy Roman Church, as you are, delights to offer sacrifice to God in the barbarian or Slavonic tongue? Nothing else remains for those who strive to offer sacrifice in the Slavonic tongue, except that which is written: 'They are of us, and they are not of us.'

For if they were of us, they would certainly remain with us. Except in our conduct and language.

Again and again, we admonish you, dearest sons, that you remain with us in your conduct. The language and precepts of our most reverend bishops, John of the holy Anconitan

Church, and Leo our most familiar, transmitted to you by our hand, listen to faithfully and with perspicacious diligence, supporting the holy Church of Palestrina.

We commend this to you most attentively. Obey their admonitions, and whatever has been enjoined to you by them from divine or canonical arguments, strive to carry out obediently and with all speed, if you do not wish to be sequestered from our company.

D.XXII.

Letter of Pope John X to John, Archbishop of Split

(Year 914–928)

[Farlato, *Illyricum sacrum*, vol. III, p.101.][108]

He orders John, the Metropolitan, or whomever he himself has delegated from among the Bishops subject to him, together with Gregory, Bishop of Nona [Nin], to come to Rome, in order to present their reasons before the Apostolic See, by which each may defend his own case and attack the cause of the other. Once these are examined, he will pronounce judgement on their behalf, according to law and canon.

John, bishop, servant of the servants of God, to our most reverend and most holy brother John,[109] archbishop of the holy Church of Salona (Split), and to all his suffragan bishops.

A dispute has arisen among you, before the presence of our Legates, concerning ecclesiastical matters. We wish for you to come to the threshold of the Apostles [Rome]. Before us and our present bishops, you may diligently resolve and settle everything. The

[108] The wording of the letter is taken directly from Farlato. Migne only gives a fragment.
[109] Ivan II of Split (914-928).

perfection of religion is fulfilled, when, according to the rules of canonical discipline, what had formerly been ordained is corrected and confirmed by us.

Receiving your letters, we did not fail to investigate. Because there were many rumours and murmurings, we took care to suspend judgement. In our presence, either you with Gregory, or one of your suffragan bishops coming, might reveal everything in orderly fashion. Then, proceeding by the way of justice, we might define and arbitrate whatever remains between you.

Concerning what our Legates, the bishops, together with you, established at Synod, we make known the extent to which it may be confirmed by us in the Chapters. Excepting this case. The matters just mentioned could in no way be settled, and you were so tumultuous, nothing worthy of ecclesiastical dogma could be assumed.

D.XXIII.

The Privilege of Pope John X for the Monastery of Subiaco.[110]

(Year 926)

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.73.]

John, bishop, servant of the servants of God, to our beloved son Leo, most reverend abbot of the venerable monastery of St Benedict, confessor of Christ, situated near Subiaco; to you and to your successors in the same monastery in perpetuity.

It is fitting for apostolic dignity to grant and to bring aid, and indeed to strengthen the minds of those who ask. A prize is laid up with the Creator of All, God: especially when venerable places shall have been opportunely ordered and restored.

[110] For the addition of this letter to the John X corpus, see the Translator's Note above.

You have asked from us the entire estate of Puceium, in which the venerable monastery of Subiaco is built: and the entire estate of Tursianum with its appurtenances; and also six estates, namely, Cescianum and Moletianum entire; the house of Sirillus with the church of St Stephen; Seulagerarium, Maliolanum, and Castrum, entire with all their appurtenances. Likewise, the estate called the house of Paulinus, with the church of St Peter situated in the solitude near the river of the castle of Subiaco, out of the body of the estate called Jubenzana, situated in the Tiburtine territory.

Also, the estate of Ecius; the estate of Aprunianum; Cloianellum, with the church of the Holy Angel, situated in the wilderness, entire with all its appurtenances near the aforesaid river Aniene. Also, one portion of three estates, commonly called Bernaclanum, otherwise Vineola and Monticellum: the estate of Opinianum, Storacianum, Septimanum, Sessanum, Arginianum, Marcianum, Spatanum, Piceranum, Olibula, Larcianum, Canianum, Sinianum, with all their appurtenances, belonging integrally and generally to those three portions.

Likewise, the cell constructed in the place Falconianum, with the church of St Nicholas and its appurtenances, situated in the lesser territory of Ferentinello.

Likewise, an entire enclosed olive-grove, situated in Greater Ferentinellum. Also, the estate called Fortilianum, in which there is a portion of vineyard together with the church of St Barbara with all its appurtenances. Likewise, one whole mill with its appurtenances, situated in Trullus. Likewise, three estates, namely Fonteianum, Anteccsanum, and Ofacianum entire. Also, an entire enclosed vineyard, enclosed by itself, situated in the house of Gallus in the territory of Lesser Ferentinellum. Also, another entire vineyard enclosure, situated in Greater Planellum; and six plots of vineyard situated in Lesser Planellum. Also, two plots of vineyard in the place called Goialdum.

Likewise, three portions of vineyard, situated at the head of the vineyard of Maius; together with another portion situated at the end of the same vineyard. Likewise, two little

portions from the vineyard of the place of Nero;[111] another from the vineyard situated in Planellum. Also, one entire enclosure at the place of Mandra. In like manner, one little plot called 'from the place of Cornetti.'

Likewise, one small enclosure on the extremity of the hill, and four little portions from the same vineyard situated beyond the hill. All the aforesaid little vineyard portions and enclosures are situated in the territory of Subiaco, near the monastery itself.

Likewise, the estate called Casanicum, and the entire estate Jubentianum. Also, one little portion of vineyard from the estate of Puzalum; and four little portions from the place called Cicerara. Likewise, the Oratory of St Gemilianus, together with an entire house, a garden, and its other appurtenances, situated within the city of Rome, in the first region, upon the river Tiber.

Also, another whole house with garden, vineyard, and well, and its other appurtenances, within the same city in the first region, on the Greek bank, near the Marble Bridge, upon the river Tiber.

Likewise, also another house with garden, well, and vineyard, and its other appurtenances, situated in the second region of the city, near the venerable church of the Four Crowned Martyrs. Likewise, one tower within the city of Tibur with its appurtenances. Moreover, we grant to this venerable monastery, by this our apostolic privilege, for the love of God, and the reward of our soul, and the restoration of the same holy place, one entire enclosure of vineyard situated in the Tiburtine territory near the paved road, ascending near the same city, with all its appurtenances.

[111] The Latin: Itera duas portiunculas ex vinea loci Neronis

Likewise, one entire house, together with its courtyard, garden, and use of water, and all its appurtenances, situated at Rome in the second region near the Claudian fountain, where formerly John of good memory, called Grifo,[112] used to reside, near the Greater Gate.

All and each of the aforesaid things we grant to you to be possessed and held for the proper use and benefit of the same venerable monastery. We confirm by our apostolic privilege, just as by his charter of privilege the lord Nicholas, of pious memory, our predecessor the pope, confirmed to you. So also we, inclined by your prayers, by this privilege, confirm the aforesaid immovable places, in this present fourteenth indiction [A.D. 926], to be perpetually held and possessed by you and your successors.

Establishing by apostolic censure, and by the authority of the Prince of the Apostles, blessed Peter; under the attestation of divine judgement, and the bond of anathema, no one, of whatever authority or dignity, shall remove, or alienate in any manner, by any agreement, the aforesaid places from the power and dominion of the aforesaid monastery. We have decreed that they shall remain for its proper use and benefit at all times, even to the end of the age.

But if anyone (which we do not wish), shall with rash boldness presume to act against the command of our apostolic privilege, or shall in any way at any time shake it; let him know he is bound by the bond of anathema, and alienated from the kingdom of God, and shall be burned with the devil and endure his most terrible punishments, with Judas the betrayer of our Lord, in eternal fire. He shall be plunged into the abyss of Tartarean Chaos,[113] and be condemned with all the damned.

But whoever shall be the observer of our apostolic command, may he deserve to obtain mercy and the grace of blessing from our most merciful Lord God.

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[112] The Latin: ubi antea residere solebat Joannes bonae memoriae Grifl

[113] See note with letter G.IV.

Therefore we decree that the whole congregation of the servants of God of the same monastery, once the morning service is completed, shall recite for the redemption of our soul one hundred *Kyrie eleison* and the same number of *Christe eleison*.

Written by the hand of Adrian, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the holy Roman Church.

Given on the fifteenth day before the Kalends of February [18th January], by the hand of Demetrius, by God's providence *arcarius* [treasurer] of the Holy Apostolic See. In the twelfth year,[114] God propitious, of the pontificate of the lord John, supreme pontiff and universal pope, resident in the most Holy See of blessed Peter, in the aforesaid month, in the fourteenth indiction [A.D. 926].

D.XXIV.

The Bull of Pope John X for the Monks of St Launomar, Among the Arverni

(Year 928)

[In Mabillon, *Acta Sanctorum Ordinis Benedicti*, century IV, part II, p. 254.]

He confirms to the monks of St Launomar, who had been driven from their home by pagans, the possessions granted to them by William, count of the Arverni.

John, bishop, servant of the servants of God, to all bishops and elders of Gaul, and to the other faithful of the holy Church of God, greeting.

By the kindness of the successors of the apostles, we must take counsel universally for all, so that we consider the causes of individuals. It must be our concern to be no less willing to benefit than to rule.

[114] 926 was indeed the twelfth year of John X.

The illustrious and most dear to us leader of the Arverni, William, and his wife Ingelberga, through their faithful envoys (the most reverend bishop Adalelm, and the distinguished men Ocbert and Calseus) have made known to us in what manner, for the love of God, they received the monks of St Launomar, Confessor of Christ, together with the body of the same saint. The monks had been driven from their place by long persecution from the pagans. William and Ingelberga gave them, as a refuge, something of their own goods, and promised that, if occasion should present itself, they would afterwards give more in the lands of the Arverni.

That is, the villa of Magenciacum, with the church consecrated in the name of St Peter; and the demesne vineyard of the same villa, and another villa near Magenciacum, and near them the villa called Blavignacus, and a portion in the villa called Espidincus, two holdings; and in the villa of Regniacum a demesne vineyard; and in the villa of Malamorte the whole inheritance of a certain Asterius, which they had acquired from Gerald and his wife Lucretia; and in Barennes a demesne vineyard, and in the same county the villa of Bornicum, which they had acquired from […]; and upon the river Dore in the county of Clermont the villas Piscatorias, with serfs and maidservants, meadows, lands, both cultivated and uncultivated, woods, and a holding, which they had exchanged from Fulcherius. Likewise, Prisciniacum, with full integrity, and three other holdings nearby, namely Vallecinga, Floriacum, and Montjocundum.

On account of this, they carefully suggested to our Apostolate – which in the place of the blessed Peter we hold – through the religious and venerable bishop Adalelm, and the aforementioned noble men Ocbert and Calseus, who devoutly approached the Roman See according to custom, that we should confirm their donation by the privilege of the Apostolic See, according to the custom of our predecessors, against any greed or disturbance that might arise in future. Thus, at every time thereafter, without cruelty or usurpation by anyone, the

monks with their abbot, they and their successors, might be able to remain there, and to observe the rule of their way of life most faithfully.

Rejoicing, therefore, in their pious deeds, and assenting to their just petitions, we decree by this privilege of apostolic authority, and by that power we have received from God in the blessed apostle Peter, that both the aforesaid possessions, and others the God-beloved leader and his wife Ingelberga, or other lovers of God, in future might give to those monks or their successors, shall serve our Lord and Saviour, St Peter, and blessed Launomar, for the uses of the monks and their various necessities.

Thus, no matter what occasion might arise from any Christians, the monks may suffer no attack; but it shall be permitted to the servants of God, dwellers in that place, with the counsel and will of their abbot, to hold and govern with firm stability, as may be expedient for them.

But if anyone, driven by greed or any wickedness, shall on any occasion attempt to violate their testament and this privilege of our authority, and to bring against the aforesaid possessions any claim or molestation to the servants of God, or to impose an abbot upon them (except only the one whom the entire congregation with one accord shall have elected from among themselves, who may benefit and rule them according to the Rule of blessed Benedict) – we, by the authority of the Holy Spirit and of the holy apostles, bind him with the chain of anathema, separating him from the threshold of the holy Church of God, and from the communion of the body and blood of our Lord Jesus Christ, and from the fellowship of all Christians, so that unless he quickly repent, correcting everything he had corrupted, he may be struck with perpetual damnation, and cast from the kingdom of God along with the rapacious.

D.XXV.

Letter of Pope John X to Aimery, Archbishop of Narbonne

(Year 928)

[*Gallia Christiana*, vol .VI, Instruments, p.16.]

He confirms the possessions of the Church of Narbonne.

John, bishop, servant of the servants of God, to Aimery,[115] archbishop of the holy Church of God at Narbonne, beloved son and our brother.

The letters from your unanimity sent to our Apostolate we received with apostolic patience. Accepting those things you made known, we grieved that you have endured so many troubles. We sympathised with you. If one member suffers, all ought to suffer, because, according to the Apostle [Paul] and distinguished preacher of the nations, we carry this very concern. To confess apostolically, *who is made weak, and I am not made weak? who is scandalised, and I am not on fire?* (2 Cor. 11:29).

Especially since I was humbled that I might win them […] we do not wish to be those appointed by the Lord upon the watchtower, who, in the place of the blessed Peter, Prince of the Apostles and key-bearer of the heavenly kingdom, I have decreed to establish you.

The reverence of Your Fraternity, requested from us, we confirm, by the privilege of our apostolic authority.

That is, all the immovable goods of the same holy first See of the Church of Narbonne, built in honour of St Justus and St Pastor, where blessed Paul, Confessor of Christ, rests in body. All houses, cells, churches, villages, estates, parishes, lands, meadows, woods, and also the half-share of the salt-works and tolls, as well as wreck and salvage, the monastery of St Lawrence, and the cells with all their appurtenances, together with their familia of both sexes; and those things which pious lords, emperors, marquises, or others

[115] Aimery of Narbonne (926-977).

fearing God have conferred in the same Church of Narbonne, both in the county of Narbonne itself, as well as in Rhedesium (Razès), Minerve, Uzès, Béziers, and also Nîmes; and in the county of Besalú the monastery of Bagnola, a church founded in honour of St Stephen the Martyr.

Being inclined by your wholesome petitions, we have decreed, and from this present first indiction [A.D. 928][116] by the privilege of our apostolic confirmation we strengthen, and by apostolic authority we confirm forever, for the use and comfort of the same holy first church of Narbonne, over which you preside, all houses, cells, churches, villages, estates, parishes, lands, vineyards, meadows, woods, and also the half-share of salt-works and tolls, as well as wreck and salvage, the monastery of St Lawrence and the cells with all their appurtenances, together with their familia of both sexes; and all things pious lords, emperors, and marquises, or others fearing God, have conferred upon the same Church of Narbonne, or shall in the future confer, in the county of Narbonne itself, and also in Rhedesium, Minerve, Uzès, Béziers, and Nîmes.

These we will, by the firmest right, to be possessed and held in dominion by you and your successors.

D.XXVI.

Letter of Pope John X to Rudolph, King of the Franks, Guy, Archbishop of Lyon, etc.

(Year 928)[117]

[*Bullarium Cluniacense*, 2.]

[116] The first indiction ran from 24th September, 927 to 23rd September, 928.
[117] Zimmermann dates this as February-August 927. However, this would cause problems for the dating of Guy of Lyon.

He commends the Monastery of Cluny, and wishes the properties of the Monastery of Gigny, donated by Abbot Berno, which Abbot Guy had taken away, be restored.

John, bishop, servant of the servants of God, to his beloved son Rudolph, glorious king of the Franks, and also to our most reverend and most holy brother Guy, archbishop of the holy Church of Lyon,[118] and to the most reverend bishops Stateus and Berno, and to the counts Hugh and Giselbert.

It has been reported to our apostolic ears that Abbot Guy[119] took away by violence from Cluny that which Abbot Berno had bequeathed from the authority of the monastery of Gigny, to be held under census.

We urge you restore all those properties to the monks of Cluny.

But because the aforesaid Guy complains that Abbot Berno did not do this legally, on the grounds that in that his testament he did not place a limit of time and persons: we, to whose disposition both places pertain, command and decree that, as long as any one of those monks who made profession in Gigny, or were given as oblates at Cluny, shall live, the Cluniac monks shall hold those properties under our authority. Unless perhaps those monks of their own accord relinquish the said properties.

O son Rudolph, and to your faithful ones, who may diligently benefit the monastery of Cluny, we commend the abbot and congregation to your affection, so that that place, which has been entrusted to our Holy See, may rejoice that it has chosen well, for the love of the apostles, the judges of the world.

[118] Guy of Lyon (928-949).
[119] Not to be confused with Guy the Archbishop.

E. Leo VI (928-929)

E.I.

Letter from Pope Leo VI to Forminus, Bishop of Ader [Zadar], Gregory, Bishop of Nona [Nin], etc.

(Year 928[120])

[Farlato, *Illyricum sacrum*, vol. III, p. 106.]

Leo, bishop, servant of the servants of God, to Forminus bishop of the holy Church of Ader [Zadar],[121] and to Gregory bishop of the holy Church of Nona [Nin],[122] and to all bishops dwelling through Dalmatia, etc.

Because the gracious mercy of Almighty God has established you in the mitre of the episcopate, it is fitting that you should take delight in showing the highest reverence to your metropolitan, the archbishop of the holy Church of Split, so that, walking according to order and the rule of justice, you may, safe and fearless, arrive at divine contemplation. For what is worse than that a bishop should be disobedient to his own metropolitan, when it is written in the African council: that a bishop ought to do nothing apart from the knowledge of his own metropolitan. And if this is so, since we know that it is so, that no bishop ought to ignore his own metropolitan, why is it that you, bishops of Dalmatia, being despisers, and as if by robbery seizing other dioceses, usurp for yourselves a profane name, which was taken from you by the Fathers of old?

All bishops should be content within their own boundaries; and we admonish Forminus to retain his diocese, just as it remained in ancient times. Likewise we will that the

[120] Jaffé's dating.
[121] Forminus of Zadar (c. 925- c. 968).
[122] Gregory of Nin (c. 900 – c. 929.).

bishop of the Church of Absarus [Osor], and the bishop of Arbitorius [Rab], and the bishop of Rogutium [Ragusa/ Dubrovnik], and the archbishop of Split in the land of the Croats, should retain their own diocese, just as in ancient times the Church of Salona retained it. A diocese cannot be contained within the walls of a city, but through long stretches of land among the plebs from villages, and courts, and churches, as it was determined among the people in olden times.

Gregory, who by the trial of time has become bishop in the land of the Croats, we order to minister only in the Church of Scardona [Skradin]. In no way should he usurp other dioceses any longer. If he does, he will remain excommunicated from our pontificate.

As for the pallium and the use of the pallium, we have granted them to John, archbishop of the holy Church of Split, just as was the ancient custom. Whom we will that you obey with your whole heart, and that you love him as a true father, because now, by the grace of God, it has dawned on subjects that they should take delight in showing the duty of obedience to their superiors.

F. Stephen VII (929-931)

F.I. *

The Bull of Pope Stephen VII for the Monastery of St Vincent of Volturno

(Year 930)

[Lodovico Antonio Muratori, *Rerum Italicarum Scriptores*, Vols. I–II, p. 422]

He confirms to the monastery of St Vincent of Volturno, and to its abbot Raimbald, all rights and possessions.

Stephen, bishop, servant of the servants of God, to the venerable man Raimbald, abbot of the monastery of Christ's martyr Vincent, situated in the parts of Samnium, in the territory of Benevento, above the source of the river Volturno, and through you to all your successors, who in the same venerable monastery shall be regularly promoted in perpetuity.

With pious solicitude exercising care for the churches of God, inasmuch as the salvation of the sheep has been entrusted to us by God, and especially for the monks who serve God, we strive to bring aid to those who persist in divine contemplation, so that with them we too may obtain the grace of divine reward.

At your petition, that we should fortify with the authority of our privilege the monastery of the blessed Vincent, martyr of Christ, with all things belonging to it – cells, chapels, castles, and lands – under the jurisdiction of the holy Roman Church, we grant that monastery to you and to your lawful successors, abbots, to hold, so that it may not be subjected to the dominion of any other church. Together with all its cells or monasteries, namely, the monastery of blessed Peter on the river Sabbatus in the territory of Benevento, the monastery of the Lord Saviour in Alise, the cell of St Mary of the Two Basilicas, the cell of St Mary by the river Trinius, the cell of St Mary in Castanietum, the cell of St Mary in

Palena, the cell of St Mary in Apinianici, the cell of St Peter in Vipera, the cell of St Vincent in Taccu with all monasteries and cells, let them remain under the protection of the Apostolic See.

Furthermore, whatever things kings, dukes, princes, or other faithful have conferred upon the monastery, or may in future be conferred, and those which are known to have been confirmed to your predecessors by the privileges of our predecessors, let them remain firm and unimpaired for you and your successors.

We also decree it is not permitted to any men to rashly disturb the monastery, or to take away its possessions, or, having taken them away, to retain them, or to diminish them, or to harass the monastery with vexations. Let all things be preserved intact, wholly profitable for the use of those for whose support and governance they were granted. When the abbot of that place, or his successors, depart, let no one by any trickery or violence be set over them, except him whom the brethren with common consent or with the sounder counsel shall elect according to the fear of God and the rule of blessed Benedict, to be consecrated by the Roman pontiff.

Chrism, holy oil, consecrations of altars or basilicas, ordinations of monks or clerics belonging to the monastery – you shall receive from whatever catholic bishop you prefer. We also forbid any of the bishops to summon from the monastery an abbot or monk to his synod, or excommunicate him. Nor do we permit any priest of whatever church to have any jurisdiction there, except that of the Apostolic See. Unless invited by the abbot he may not presume to celebrate the solemnities of Mass there. Priests and clerics from whatever church, if they shall come to dwell in the congregation of the brethren, or to receive the monastic habit, let them immediately be received, and let no one forbid it.

Nor let anyone presume to attack violently that same monastery, or its cells, or possessions, or goods, or to inflict upon them any loss through malice; but at all times let the

same place with its belongings be preserved freely and quietly under the protection of the Apostolic See.

If anyone shall transgress the constitution our apostolic privilege, unless he shall have duly amended, let him lose the dignity of his honour, and be made a stranger to the body and blood of our Lord Jesus Christ, and with the devil and his ministers be condemned to eternal fire. But whoever shall justly and piously observe these things, let him fully obtain the grace of blessing from the Lord, and be made worthy to be a partaker of eternal life.

Written by the hand of Stephen, *primicerius*, in the year of the pontificate of lord Stephen VII, supreme pontiff…

F.II. *

Privilege of Pope Stephen VII for the Monastery of St. Mary of Brogne

(Year 929-930[123])

[In Mansi, *Concilia*, vol. XVIII]

He confirms the foundation of the abbey of Brogne, in the county of Namur, while at Rome, and before the petition of St Gerard, abbot and founder of Brogne.

In the name of the holy and indivisible Trinity, and of St Mary ever-virgin, Stephen, supreme bishop of the Apostolic See, servant of the servants of God, to the brothers and our sons dwelling throughout the whole world in the Catholic faith.

We wish it to be known to all, both present and future, how our son and brother, by divine favour, Abbot Gerard, made known to us the monastery of Brogne. He reformed it for

[123] Jaffé's dating. This causes problems for the signatory of Elduin of Milan, who only became Archbishop in 931.

the better and restored in honour of the holy Mother of God, ever-virgin Mary, the holy apostles Peter and Paul, and St John the Baptist.

Moreover, after gathering the relics of many saints, he brought there with great reverence and honour the body of St Eugenius, martyr, archbishop of the See of Toledo, disciple and ordained by St Dionysius the archbishop. He devotedly and willingly gave his own inheritance, both in lands and in *mancipia*, and in all adjacent hereditary rights, to the aforesaid monastery.

After he made this known to us, he prostrated himself at our feet and asked that, by the authority of the apostles Peter and Paul, all be cursed who should attempt to take anything from the monastery – whether the relics of the saints, or vestments, books, lands, *mancipia*, or any other property given to it, or which by God's mercy it might acquire.

He earnestly requested that anyone infringing upon the privilege which royal magnificence and imperial authority sanctioned for that same place and monastery be likewise bound by anathema.

No bishop, count, advocate, public judge, nor any person in judicial authority in the Church, or any other, may presume to enter the lands or fields, or other possessions of the monastery, to hear causes or make petitions, to exact tributes, fees, or dues, to requisition lodgings, woods, or enclosures, to remove sureties, or to unjustly constrain men of the same monastery, both free and servile, upon its lands, nor to seek any restitution or unlawful opportunity in the present and future.

Let the said servant of God Gerard, and his successors, possess and order the matters of the monastery, together with his monks, under the protection of our immunity, in peace, without the interference of any judge, unless requested by the abbot himself and his monks.

He also requested that anyone who devastates or infringes upon that place or its inhabitants within its boundaries by hostile fire, slaughter, or any unjust oppression be condemned by curse.

Therefore, in the presence of bishops and brothers of this holy Roman See, and with their consent, we decree that the petition of the servant of God Gerard be confirmed by apostolic authority.

Thus, by the authority of the Father, and of the Son, and of the Holy Spirit, and of St Mary ever-virgin, Mother of God, and of all the heavenly powers, and of St John the Baptist, and of the holy apostles Peter and Paul, St Eugenius, martyr, patron and protector of that place, and of all the saints whose relics are there, and also of all saints whose names are written in the Book of Life, we excommunicate, anathematise, and condemn all who shall do anything to invalidate or infringe upon the immunity and liberty of the Church of Brogne, unless they repent and seek pardon from the abbot and his brothers, and henceforth make amends.

But whoever observes our precept and the royal sanction shall merit grace, mercy, and eternal life from our most merciful Lord God.

I, Castorius, *notarius, regionarius* and *scriniarius* [archivist/scribe] of the holy Roman Church, with apostolic authority strengthened, and with Pope Stephen advising, verify this.

Sign of the lord Pope Stephen, glorious.

Given on the fifth day before the Kalends of May [27th April], in the year from the Incarnation of the Lord …

Done happily at Rome.

Amen.

I, Leo, archpresbyter of the Holy Roman Church, at the request of our lord Stephen, subscribed, amen.

I, Valentinus, bishop, subscribed, amen.

I, Agapetus, bishop, at his command subscribed, amen.

I, Emerentian, bishop, subscribed, amen.

I, Simphorian, bishop, subscribed, amen.

I, Liberius, bishop, subscribed, amen.

I, Laurentius, bishop, subscribed, amen.

I, Florentius, bishop, subscribed, amen.

I, Gregory, bishop, subscribed, amen.

I, Gaudentius, bishop, subscribed, amen.

I, Clement, subscribed, amen.

I, Urban, bishop, by order of our lord Pope Stephen, subscribed, amen.

Hilduin, archbishop of Milan,[124] subscribed, amen.

Guido, bishop of Piacenza,[125] subscribed, amen.

Peter, bishop of Como,[126] subscribed, amen.

Richewin, bishop of Strasbourg,[127] subscribed, amen.

Ruotger, archbishop of Trier,[128] subscribed, amen.

Benedict, bishop of Metz,[129] subscribed, amen.

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[124] Elduin of Milan (931-936).
[125] Guido of Piacenza (904-940).
[126] It seems that Azzone (922-945) was bishop of Como at this time. I cannot resolve Petrus Cumensis episcopus to solve this discrepancy. Note that Jaffé considers the letter spurious.
[127] Richewin of Strasbourg (916-933).
[128] Rudgar of Trier (915-930).
[129] It seems that Adalbero (929-962) was bishop of Metz at this time. I cannot resolve Benedictus Metensis episcopus to solve this discrepancy. Note that Jaffé considers the letter spurious.

Richer, bishop of Liège,[130] subscribed, amen.

Stephen, bishop of Cambrai, subscribed, amen.

F.III

Letter of Pope Stephen VII to Abbot Witard[131]

(Year 929-931)[132]

[Bibliothèque nationale de France. Coll. Baluze t. 398. n. 1][133][134]

Stephen, bishop, servant of the servants of God, to Witard,[135] religious presbyter and abbot of the monastery of St Peter of Psalmody and of the Joncels monastery (Psalmody built on the island itself, and Joncels situated in the territory of Béziers, at the castle Lunate), and to the churches of St Mary and St Peter, of the apostle John, of Pope Marcellus and of the martyr Victor, and through you to the same venerable monasteries.

The summit of the highest apostolic dignity is recognised to shine forth in the brilliance of divine foresight, so that in exercising praises to God it will strive to exhibit zeal in its labours. For this reason, apostolic pastoral solicitude compels us to promulgate, and by the censure of apostolic institution to confirm, whatever pertains to the stability of pious places.

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[130] Richer of Liège (920-945).

[131] This letter is Stephen VII in Jaffé. In Zimmermann's *Papsturkunden* it is Stephen VI. This is not merely a matter of Pope-Elect Stephen confusing the numbering. Jaffé places the dating as 929-931, which really is Stephen VII, whereas Zimmermann places the dating as 896-897, which really is Stephen VI. For the addition of this letter to the corpus, see the Translator's Note above.

[132] Jaffé's dating.

[133] The wording is that of Zimmermann's Stephen VI entry. See Appendix B for an image of the physical manuscript.

[134] Jaffé gives the cataloguing as Baluze 398, no. 2. The present editor found it catalogued as Baluze 398, no. 1.

[135] Psalmody Abbey had an Abbot Witard during the papacy of Stephen VI, which helps Zimmermann's argument. It is unknown if there was an Abbot Witard during the papacy of Stephen VII.

You have asked of us that the monasteries of St Peter and of the other saints, situated on the island of Psalmody, and also the cell built [in veneration] of the martyr Julian, which they call Cornilianicus, and another cell, and all things which belong to the monastery itself of Nîmes and Uzès, and also of Béziers, where the Joncels monastery is constructed near the castle Lunate, cells and villages and farmsteads, be adorned with the privileges of the Apostolic See. Under the jurisdiction of our dearest [authority], just as you have received the commands of emperors or of kings, confirmed from their hand and pressed with seals, for the remedy of their souls, so also we establish for you by privilege, to which by God as author we minister. The constitution of the church shall be subjected to the jurisdiction of no other church.

On account of which, favouring pious desires, by our authority we deliver into effect that which is demanded.

And therefore we forbid by this authority every priest of whatever church to have any jurisdiction in the aforesaid monasteries, except for the Apostolic See. Unless he is invited by the abbot of the monastery, no one at all may presume in any way to celebrate there the solemnity of masses.

Moreover, establishing by apostolic censure under the invocation of divine judgement, and by strong and most severe interdictions of anathema, no one else may presume – whatever dignity he may be endowed with, whatever power, great or small – to impose himself upon the monastery or its causes or possessions, or upon the goods or places or anything that pertains to the monastery, in such a way as to take away or alienate them. Nor to inflict any kind of malice or injury, whether in time of peace or of barbarism. Indeed we decree that the monastery, as has been said, in both time of peace and time of barbarism, is to remain by firm stability under the jurisdiction of our dearest Church. Regarding the

kingdom and emperors under whose authority it is to be ruled or governed, we establish that, whenever the reign, the monastery shall fall under our authority in all things.

For we proclaim and establish by the authority of the blessed Peter, Prince of the Apostles, before God and His dreadful future judgement, through the constitution of our apostolic privilege. The places which the abbots of the aforesaid monasteries of Saints Peter, Victor, Marcellus, Saturninus and Felix the martyr, in Psalmody or in Joncels, situated in the county of Nîmes and of Béziers, have acquired through exchange or been granted, and likewise the other possessions of places which kings or dukes or viscounts and other Christians have bestowed and offered, or shall in future grant, are to exist with firm stability by right to the aforesaid monasteries, and to remain in perpetuity.

Nor is it permitted, as has been said, that from these monasteries or from all things belonging to the same monasteries, anything be taken away by any person, great or small. That which is subject to the venerable places hereby constituted apostolic and privileged, and also consisting together with kings, shall remain immovably endowed.

But if anyone (which we do not desire) shall presume with nefarious daring to oppose that which has been established by us for the praise of God, for the stability of the aforesaid monasteries, and to transgress them in any way, let him know himself bound by the chain of anathema. With the devil and his most atrocious pomps and with Judas, the betrayer of our Lord Jesus Christ, we appoint him to be burned in the punishment of eternal fire.

But truly, whoever from pious intention shall have been observant, and in all things a guardian of our apostolic constitution, looking towards the worship of God, may he obtain manifoldly the grace of blessing from our most merciful Lord God, and merit to be a participant of eternal life.

An image of this letter is appended as Appendix B.

G. John XI (931-935)

G.I.

Privilege of Pope John XI for the Monastery of Cluny

(Year 931)

[*Bullarium Cluniacense*, 1.]

He confirms St Odo as abbot in the governance of the monastery of Cluny, as well as the exemption of that monastery from all lordship. That the election of the abbot after his predecessor's death shall be free and made without anyone's consultation. He also confirms the Roman monastery granted to Cluny by Rudolph, king of Burgundy. Furthermore, he gives the faculty of receiving monasteries which are offered for reform. He restores the tithes of the chapels of Cluny which had been taken away by the bishops. He likewise confirms the monastery's own coinage, as King Rudolph of the Franks had granted. And he gives permission to receive, for a time, brothers who wish to migrate to Cluny from other monasteries for the betterment of life. He furthermore defines that the monastery of Cluny belongs to the holy Apostolic See to be protected and fostered. He wishes, as a sign of such protection, that ten solidi be given in Rome every five years.

John XI, bishop, servant of the servants of God, to Odo, venerable abbot of the monastery of Cluny, built in honour of the blessed apostles Peter and Paul, situated in the district of Mâcon, and through you to that same monastery and your successors forever.

It is fitting for apostolic governance to assist with benevolent compassion those who are devout and to grant assent to their requests with eager devotion; from this we shall obtain the foremost reward from the Creator of all things, God.

You have requested of us that the aforesaid monastery, in the state in which it was decreed to remain by Duke William through his testament, be established forever by our apostolic authority, subject to the holy Roman Church, to which, God being author, we minister.

Inclined by your prayers, we grant it to you to govern.

Let the monastery, with all its possessions, those it now holds or those which shall thereafter be delivered there, be free from all lordship of any king, or bishop, or count, or any of Duke William's relatives.

No one shall presume, against the will of the monks, to ordain a prelate over them after your death; but they shall have the free faculty, without consulting any prince, to ordain whomever they wish according to the Rule of St Benedict. Unless, God forbid, they wish to elect a person consenting to their vices. Let anyone who cares to do so prohibit this with zeal for God.

The monastery called Romanus, and which our son Rudolph, king, granted to the aforesaid Cluny, along with the villa Vaningus, is likewise subject to it, as decreed by the testament of donation. If you consent to take into your governance any monastery, for the purpose of reform, by the will of those to whose disposition it pertains, you shall have our permission.

We restore to you in full the tithes which once pertained to your chapels and were withdrawn by modern authority or licence from bishops. As for chapels which have already been made or are to be made there, we grant that they remain so that nothing of the tithes is diminished from your churches. That which our beloved son Berno, bishop, granted to you from the aforesaid chapels, we decree confirmed forever.

Whatever pertains to your religious use from vineyards or crops, we decree that part of the tithes belong to your guesthouse. Likewise, for other such things you are to receive.

That also which Leobald, dying, returned and relinquished to the aforesaid monastery. Likewise, that which is in Agiona, or elsewhere, the properties which ought to belong to that monastery, and the chapel of St Martin, in the villa of Maceius, we confirm and restore to you by our apostolic authority.

Also, you shall have your own coinage, as our son Rudolph, king of the Franks, granted.

And because, as is well known, almost all monasteries are failing in their proper purpose, we grant that if any monk from any monastery wishes to transfer to yours solely for the purpose of improving his life, his own abbot having neglected to provide appropriate canonical support, it shall be permitted for you to accept him until the discipline of his own monastery is restored.

We grant immunity to you, reverence being due to holy places everywhere, so that no one may seize or invade your *mancipia* or possessions without your consultation.

To recognise that the aforesaid monastery belongs to the holy Apostolic See for protection and fostering, let ten solidi be given in Rome every five years. If anyone shall resist this most salutary constitution or corrupt any of these things, and fail to observe all that we have sanctioned in this privilege, let him know that he is bound by the chain of anathema under the threat of divine judgement, eternally, unless he repents. He shall be alienated from the kingdom of God, and tormented with the devil without end.

But whoever shall be the guardian and observer of this most salutary sanction of ours deserves to obtain from Christ the Lord a blessing, and from the holy apostles, the judges of the world, absolution here and in the future.

Written by the hand of Andrew, *scriniarius* [archivist/scribe], in the month of March, indiction four [A.D. 931].[136]

[136] The fourth indiction ran from 24th September, 930 to 23rd September, 931.

G.II.

The Privilege of Pope John XI for the Monastery of Déols[137]

(Year 931).

[Bibliothèque Nationale de France. ms. latin 12820. 17th century. f. 16][138]

He confirms the freedom, privileges, and possessions of the monastery of Déols (in the diocese of Bourges), at the request of Abbot Odo.

John, bishop, servant of the servants of God, to Odo, venerable abbot of the monastery called Déols, built in honour of the holy Mother of God Mary and the holy apostles Peter and Paul in the Bourges region, and through you to your successors in perpetuity.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state.

You asked of us that the monastery remain as decreed by the good man Ebbo through his testament. By our apostolic authority, we decree that it shall stand firm in perpetuity, subject to the holy Roman Church, which by God's appointment we serve. Yielding to your prayers, we grant it to you to govern.

Let the monastery, and all the possessions it now has or may afterwards be given, be free from the dominion of any king or bishop or count or any relative or any other person whatsoever. Let no one presume, against the will of the monks, to appoint a superior for them

[137] For the addition of this letter to the corpus, see the Translator's Note above.
[138] The version given here is Zimmermann's, p.108.

after your departure, but let them have free power, without the counsel of any prince, to ordain for themselves whomever they wish, according to the rule of St Benedict. Unless perhaps (God forbid) they choose a person consenting to his own vices – in that case let whoever wishes, and is able with zeal for God to prevent it, do so.

Those meadows called *ad Vincaria*, situated near the bridge of Saint Denis, and all other things whatsoever, which by Ebbo or by other donors have been inserted in testaments, we hand over perpetually to your dominion. The tithes, which once belonged to your chapels, we hand over to you in full, so that no one may presume to take away anything. Whatever from vineyards or cultivated lands pertains to your share, let a portion of the tithes belong also to the guesthouse. Similarly from those things you receive, in whatever parish they may be.

In aqueducts which pass over to your mills, you alone shall have the right of drawing water. Furthermore, if any monk from whatever monastery shall wish to migrate to your community solely for the purpose of improving his life, and his abbot has neglected to provide him with the regular support for putting away the possession of property, it shall be lawful for you to receive him, until the discipline of his monastery shall be restored.

Immunity we grant to you, in the same way as reverence is owed everywhere to holy places. No one may presume to seize or distrain your serfs or hired men or any property whatsoever without your counsel. But in order to recognise that the monastery pertains to the holy Apostolic See, to be cherished and protected, every five years five solidi of silver shall be given.

If anyone shall attempt to resist or oppose our most salutary constitution, or shall try to corrupt anything, and not observe what we establish in our apostolic privilege, let him know himself eternally bound under the chain of anathema by the attestation of divine judgement, unless he repents, and to be alienated from the kingdom of God and tormented

with the devil without end. But whoever shall be guardian and observer of our most salubrious sanction, may he deserve to obtain blessing from Christ God, and absolution here and in the future from the holy apostles, judges of the world.

Written by the hand of Theodore, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of March, in the fourth indiction [A.D. 931].[139]

G.III. *

Pope John XI makes known under what conditions Silvius (of Clérieux) was granted absolution for the burning of the church (of St Bernard in Romans).[140]

(Year 932)[141]

[Zimmermann, *Papsturkunden*, vol I, p.110.]

John, bishop, servant of the servants of God, to those reading and hearing, greeting and grace and apostolic blessing.

Let all men reading these letters know that Silvius, having seen the threshold of the apostles [Rome], came into our presence and confessed his most wicked crime. Instigated by the devil, he committed an arson with loss of men. Having been advised through our bishops, we absolve him on this condition: that he make sixty men who are slaves free, and expend one hundred pounds of silver for his soul.

He shall also rebuild in full the church he has burned. Unless another church exists, entirely destroyed, on his own property, which we order him to rebuild at the same cost. We decree by apostolic authority that he subject it to the governance of us and our successors, the Roman pontiffs, so that the wolfish savagery of tyrant bishops may not further tear it apart.

[139] The fourth indiction ran from 24th September, 930 to 23rd September, 931.
[140] For the addition of this letter to the corpus, see the Translator's Note above.
[141] Zimmermann's dating.

Likewise, he shall feed twelve poor men, and fast on the fourth and sixth weekdays with bread and water, and be clothed in woollens, and not enter the church. Let him not give the kiss of peace, and not take communion, except at the end of his life. Likewise, in Greater Lent,[142] let him not ride on horseback, unless for the service of God, and let him not use arms. Let him not eat meat nor drink wine, except on Thursday, on the Lord's day [Sunday], and on the chief feasts.

Concerning abstinence from meat and wine, we place it in the discretion of religious bishops or abbots. It is lawful for them to exercise salutary mercy in this matter.

G.IV.

Privilege of Pope John XI for the Monastery of Cluny.

(Year 932)

[In Cocquelines, *Bullarium*, in the ample collection of privileges of the Roman pontiffs.]

At the petition of St Odo and through the intervention of Hugh, king of Italy, he confirms the monastery of Cluny with all goods and possessions which it has and shall in the future acquire. And among other things, the monastery which is called Carus Locus, in the Mâconnais territory, he wills to remain perpetually subject to the Cluniac monastery.

John, bishop, servant of the servants of God, to Odo, religious abbot of the venerable monastery of the most blessed apostles Peter and Paul, called Cluny, and through you to your successors who shall serve in the same venerable monastery forever.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain

[142] The forty day Lent, in the normal sense.

reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state.

Your religion has petitioned, and Hugh, most glorious king, our beloved son, has interceded with our Apostolate, that we should confirm by our apostolic authority the aforesaid monastery of St Peter with all its goods and possessions which it is now has, and whatever shall hereafter be offered or bestowed to that same monastery. We also confirm to that holy place another monastery belonging to the right of the Roman Church, called *Carus Locus* in the Mâconnais territory, that it remain there forever, under this condition: that no one, whether of the ecclesiastical order or of the laity, inflict any trouble in that monastery, or in the goods belonging thereto.

If any person, whether in the clerical order or in the lay condition, should inflict any violence upon those goods which shall henceforth be or offered there, or should wish to withdraw them from its authority, let those goods return to their donors and their heirs.

Nevertheless, if those goods remain in the order of the monastery, whether in the time of this abbot, or of his successors, this privilege shall remain unshaken, saving only the pension of the holy Roman Church.

Decreeing by the authority of blessed Peter, Prince of the Apostles (whose office we, unequal to his merits, yet by God's grace sustaining, hold in his stead) we declare under the interdict of anathema and the adjuration of divine judgement, that these things are not to be violated by anyone in any respect. They are to remain with firm stability, unshaken through perpetuity.

But if anyone, with rash boldness, should attempt to contravene or act against the tenor of our apostolic privilege, piously promulgated by us, let him know that he is tied with the bond of the anathema of our lord Peter, Prince of the Apostles. He is to be burned with the devil and his most atrocious pomps, and with Judas, the betrayer of the Lord God and our

Saviour Jesus Christ, in the eternal fire. Let him, plunged into the abyss and the Tartarean[143] Chaos, perish with the impious.

But those who, with pious intent, have been guardians and obedient observers of our saving precept, deserve to obtain the grace of blessing and the eternal joys of heavenly recompense from our just Judge, the Lord.

Written by the hand of Theodore, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of June, in the fifth indiction [A.D. 932].[144]

Farewell.

Given on the seventh day before the Kalends of January [26th December], through the hand of Ursus, *primicerius* of the holy Apostolic See, in the second year, by God's favour, of the pontificate of lord John XI, supreme pontiff and universal pope, in the most Holy See of blessed Peter, in the month of June, in the aforesaid fifth indiction [A.D. 932].[145]

G.V.

Privilege of Pope John XI for the Monastery of Vézelay.

(Year 933)

[According to Acherius, *Spicilegium*, vol. II, p. 504.]

John, bishop, servant of the servants of God, to Aymon, venerable abbot of the monastery of Vézelay, and to the entire congregation of the same monastery, forever.

[143] The Latin: Simulque et in voraginem tartareumque chaos. With Greek learning lost in Western Europe by the 930s, the use of *Tartarean* may seem peculiar, until one remembers St Jerome's Vulgate translation of 2 Peter 2:4 (si enim Deus angelis peccantibus non pepercit sed rudentibus inferni detractos in tartarum tradidit in iudicium cruciatos reservari), the only use of *Tartarean* in the New Testament.

[144] The fifth indiction ran from 24th September, 931 to 23rd September, 932.

[145] The confusion of December and June is present in the Latin: Data VII Kalendas Januarias per manum Ursi primicerii sanctae sedis apostolicae, anno Deo propitio pontificatus domni Joannis summi pontificis et universalis undecimi papae in sacratissima beati Petri secundo, in mense Junio, indictione supra scripta quinta.

As often as things are requested from us which accord with reason, we ought willingly to grant them, and to impart appropriate support to the desires of petitioners.

You have requested from us that the privilege of the Apostolic See be granted to the monastery of Vézelay, over which you are deemed worthy to preside, constructed by the most noble and Christian man Gerard, and also by his wife Berta, in honour of the Lord and our Saviour Jesus Christ, and in veneration of the most blessed ever-virgin Mary, mother of the Lord Jesus Christ; in the kingdom of Burgundy, in the Avalois region, and which was devotedly conferred to the blessed Peter, Prince of the Apostles, by the aforementioned founders, in pious devotion and by testament.

Inclined to your prayers, we willingly decree it done. We indeed confirm the privilege of the Apostolic See. No king, no bishop, no count, nor any other person may disturb the monastery itself, nor those things there offered by the founders or by other faithful, or which may be offered in the future, under any cause or pretext, to diminish or remove them, or to apply them for their own use. We wish and command that these things be possessed without disturbance for the support of the monastery and for the use of the abbots and monks there serving God under the Rule of the holy Father Benedict.

That is, on the condition that none of our successors in this Holy See, which we serve by God's authority, ever allow or permit in the future any of these things be granted as benefits to anyone, exchanged, or assigned under any tax. The due census only, as fixed in the testamentary gift by the founders, who made this holy Roman Church their heir from that monastery: one pound of silver annually shall be received by our successors. By paternal oversight, they shall diligently expend it for the pastoral care of the same monastery against all who would attack it.

When the abbot of the monastery dies, no one shall be ordained there by any artifice of intrusion, except one whom the consent of the monks, according to the fear of God and the

Rule of St Benedict, has chosen, and whom the pope of this Apostolic See has determined to ordain, or has consented to be ordained at the suggestion of the monks.

We also append this to the present chapter, so that we may shut out avarice. No one, neither kings, nor bishops, nor priests, nor any faithful, whether personally or by proxy may receive anything regarding the ordination of the abbot, or clerics or presbyters, or regarding the distribution of chrism, or the consecration of the basilica, or concerning any causes pertaining to the same monastery. Nor may anyone presume to give anything to the abbot for his ordination, lest those things offered by the faithful to the pious place be consumed.

Nor may the bishop of the diocese, unless invited by the abbot of the monastery, celebrate public Masses there, or designate stations. The rest of the servants of God may not be disturbed by popular assembly. Nor may one presume to exact lodgings or mansions therefrom.

However, the reception of the faithful and of religious men, and the beneficence which the Apostle [Paul] commands to be exhibited to all according to the place and its resources, we not only do not deny there, but indeed encourage. But the number of the congregation should be regulated, so that neither a multitude may produce scarcity, nor the fewness of inhabitants bring about the destitution of the place.

We confirm by our authority the privilege granted to the same monastery by our predecessor, Pope Nicholas [I] of blessed memory, except only that he delegated under the name of the handmaids of God, who now cannot remain there because of the frequent disturbances of the age. For the sake of more suitable utility, we decree the place be properly under the habit of monks.

If anyone – kings, bishops, priests, abbots, judges, counts, or secular persons – go against this page of our institution, let him be struck by apostolic anathema. Let him be deprived of the dignity of his office, and let him recognise himself guilty before the divine

judgement. Unless he bewails those things which he has done wrongly, let him be alienated from the most holy Body of our Lord Jesus Christ, and subject to eternal punishment of strict vengeance.

But to all who justly observe this, may the peace of our Lord Jesus Christ be granted, so that they receive the fruit of good action, and before the strict Judge may find the rewards of eternal peace.

Written by the hand of Andrew, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January, sixth indiction [A.D. 933].[146]

Given on the sixth day before Ides of January [8th January] by the hand of Gregory, beloved of God, *sacellarius* [treasurer] of the holy Apostolic See, in the third year, God willing, of the pontificate of our lord John XI, supreme pontiff and universal pope, in the most Holy See of the blessed apostles.

G.VI.

Letter of Pope John XI to the Clergy and People of Augustodunum [Autun]

(Year 933)

[According to Baluz., *Capitul.*, vol. II, p. 1495]

He asserts for the Church of Augustodunum [Autun] the right freely to elect a bishop.

John, bishop, servant of the servants of God, to all the sons of the holy Church of the Autun, and through you to your successors forever.

It has come to our apostolic ears that churches in Gaul, against the decrees of the canons, frequently exercise violence in the election of their bishops. We, to whom the care of

[146] The sixth indiction ran from 24th September, 932 to 23rd September, 933.

all churches has been entrusted, although unworthy, most deeply deplore this, and desire, by the authority of God and of the blessed Peter, to end this violence in all churches.

We write down the privilege of our decree for you in particular, that is, the holy Church of Autun, first praying that the kings of the Franks observe it.

We decree and regularly ordain that henceforth no king, prince, or any person may impose, ordain, or interfere with you or your successors, except from among the sons of that church [in Autun], according to the written canons, whom the clergy elect and the people proclaim, if a worthy one can be found. If none is found (which we do not believe will happen), then by unanimous counsel of both clergy and people, the most worthy from elsewhere shall be sought.

Moreover, your honour, obtained from your seniority over your houses, and over your canons, and over the common cause of the brethren, and over all your property, in establishing and electing heirs legitimately, we grant by our apostolic authority the licence to ordain without any controversy or impediment.

If anyone great or small rises against this decree in any way, and violates or weakens our apostolic authority, let him know he is bound by the chain of anathema by the invocation of the holy Trinity and by the power of the blessed Apostle Peter. By our authority, he is to be eternally struck down with the enemies of God and His adversaries, and condemned forever.

May the preservers of our decree obtain peace, joy, and blessing from the Giver of all good things, God, and may they have eternal life.

Written by the hand of Theodore, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of March, in the sixth indiction [A.D. 933].[147]

Given …

Farewell.

[147] The sixth indiction ran from 24th September, 932 to 23rd September, 933.

G.VII. *

Privilege of Pope John XI for the Monastery of St Mary and St Martin of Poitiers

(Year 931–935)

[According to D. Bouquet, *Recueil des historiens*]

In the name of God the Father, I, John, pope, notify all the faithful of the Church of God that our brother Frotier, bishop, has sent his legates to us. He desires that we might confirm and strengthen in writing the privilege of his monastery, built outside the walls of the city of Poitiers on the Clain River.

We, by God's permission, gladly fulfil this request out of benevolence.

This monastery is dedicated in honour of the holy Virgin Mary, Mother of God, and also of St Martin. We wish from this day forward the place be protected from all adversity, and that the monks may diligently and without any contradiction fulfil the service of God.

No man shall exact any dues from that place, nor hold court there, nor demand any subjection.

On private days the monks shall say one familial Mass and one psalm at the canonical hours of prayer for the congregation of St Peter.

Moreover, we excommunicate all, by the authority of Almighty God, of St Peter, Prince of the Apostles, and of all the saints of God, and of all bishops, and of all our successors, who break this written privilege. They shall be cursed in perpetuity in body and blood of the Lord Christ, unless they come to amendment and satisfaction.

That this privilege, freely granted by us, may obtain stronger force, we confirm it with our own hands. It has been strengthened in the presence of religious men and counsellors in Rome.

Signed by John, pope, who commanded this privilege to be made.

H. Leo VII (936-939)

H.I.

Pope Leo VII's Privilege for the Monastery of Fulda.

(Year 936)

[From Dronke, *Codex diplomaticus Fuldensis*, p. 315.]

He confirms the privileges of the Monastery of the Saviour at Fulda, at the request of Abbot Hadamar.

Leo, bishop, servant of the servants of God, to Hadamar, religious abbot of the venerable monastery of the Lord Saviour, and through you, in the same monastery, to your successors the abbots forever.

Bearing the highest concern for all venerable places, as far as possibility is given by divine help, we strive to care for their stability. By this diligence, divine clemency is appeased, and the praise of the Church of Christ is procured. With greater confidence we dare to implore eternal mercy for pardoning sins.

Your Reverence has requested that the aforesaid monastery of the Lord Saviour, constructed by St Boniface the bishop in the place called Boconia, near the bank of the river Fulda, be adorned with the protection of the privilege of the Apostolic See. Under the jurisdiction of our holy Church (which by God as author we serve), it may not be subjected to the jurisdictions of any other church.

Favouring pious desires, by our apostolic authority we deliver what is asked, according to the form of the privilege you showed as having been perpetually made by our predecessor of good memory Marinus [I], prelate of this Holy See.

Therefore, we forbid priests of whatever church to have any authority of jurisdiction in the aforesaid monastery, except the Apostolic See and the bishop in whose diocese the monastery is constructed. To him we grant only the licence, when there shall be opportunity, of consecrating an altar. Likewise, unless he shall have been invited by the abbot of the monastery, no one shall presume to celebrate the solemnity of masses there.

Thus, in accordance with that which is placed under the Apostolic See by this privilege, the monastery may remain endowed. With regard to places and goods (both those it holds or possesses at the present time, and those which in future times divine mercy shall increase for it by the gifts and oblations and tithes of the faithful), it may enjoy them with perpetual stability, without contradiction by any person.

Furthermore, at suitable times it shall be reported to our ecclesiastical solicitude how the monastic religion is directed with regular habit, and how with fitting concord it is bound to ecclesiastical rite. Lest perchance (God forbid!) under cover of this privilege the mind and the steps of your uprightness be turned aside from the rule of justice.

It is not permitted to king, nor bishop, nor count, nor to any other person great or small, to inflict any violence or to raise any dispute against the goods or the dependents of the monastery. And by our authority we forbid any woman to enter there. Let no one hold a court in the monastery or in its other places. Let no one constrain the servants or tenants to any service, except only those persons to whom the abbot, for the utility of his necessity, shall have given assent.

The brothers shall altogether have power among themselves, when need shall be, of choosing an abbot according to the Rule of St Benedict, without contradiction by any person.

And you, beloved son Hadamar, we know you to be a well-instructed and eloquent man. By the authority of St Peter, we grant and command you to preach the word of God.

We decree that whoever, whether a bishop of whatever church or a person endowed with whatever dignity, violates the authority of our privilege shall be anathema, unless he quickly repents. We confirm this by the prerogative of the Prince of the Apostles. Incurring the wrath of God, let the transgressor be cast from the fellowship of all the saints.

Let the dignity of the monastery, granted by us, remain perpetually inviolate, confirmed by apostolic authority. But whoever shall be keeper and observer of our privilege, may obtain blessing and grace from the Lord.

Written by the hand of Leo, notary of the holy Roman Church, in the month of May, in the ninth indiction [A.D. 936].[148]

Given on the third day before the Ides of May [13th May], by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the first year, with God propitious, of the pontificate of lord Leo VII,[149] supreme pontiff and universal pope, in the most Holy See of the blessed Peter the Apostle, in the month of May and the ninth indiction [A.D. 936].

H.II.

The Bull of Pope Leo VII for the Monastery of Subiaco

(Year 936)

[From Muratori, *Antiquitates Italicae*, vol. VI, p. 201. Augmented by Zimmermann, *Papsturkunden*, vol.I., p.120.]

He confirms for the Monastery of Subiaco, devastated by the Saracens, its goods and privileges, at the request of "Alberic, most glorious prince and senator of all the Romans."

[148] The ninth indiction ran from 24th September, 935 to 23rd September, 936.
[149] *Sexti* is clearly a scribal error. The letter is that of Leo VII.

Leo, bishop, servant of the servants of God, to his most beloved son Leo, priest and monk and abbot of the venerable monastery of St Benedict, situated in Subiaco, and to your successors forever, etc.

With great affection and solicitude, it presses upon us to take care, as we watch over all the churches of God and the holy places, lest those who devote themselves to God diligently, and solicitously day and night without interruption render praise, be disturbed. Thus, we hope to receive reward or recompense from God, for the restoration of holy places afflicted by fire or by other devastation or ruin or loss.

For which reason we have taken care that the *coenobium* of our most blessed Father Benedict be restored, where our venerable and most beloved son Leo presides, where also the love of the magnificent man, and our most beloved, faithful Alberic, burns with the ardour of charity. At his suggestion and by the vigilant mind of our clemency, with the Lord protecting, the monastery shall be restored its former state and remain forever.

This work God has permitted before all others, so that those subject to our pastoral example and care may learn and understand what they ought to do when cases arise.

Sins and iniquities threaten, and increase in this world. Manifold losses are inflicted from the deadly stratagem of the ancient enemy. The monastery of the doctor and Confessor of Christ, blessed Benedict, in Subiaco, was consumed by fire, and laid waste by the Agarenes [Saracens]. They burned not only those things we had provided for use or utility, but also the documents and charters which had been freely offered, by Roman pontiffs and also by Christian men for the remission of their sins. These were likewise consumed with the resources of the monks. When we heard of this unforeseen calamity, it greatly alarmed us.

For the reward and remedy of our soul, and of our most beloved son, Alberic, most glorious prince and senator of all the Romans, and for your restoration after the losses, we

confirm the possessions and charters that were consumed, through apostolic privilege, just as from our predecessors Nicholas [I] and John, formerly pontiffs, or others, etc.

Written by the hand of Leo, notary of the holy Roman Church, in the month of July, indiction nine [A.D. 936].[150]

Farewell.

Given on the fifth day before Ides of July [11th July], by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the first year of lord Pope Leo VII.[151]

H.III.

The Bull of Pope Leo VII for the Monastery of Cluny

(Year 937)

[*Bullarium Cluniacense*, 3.]

To St. Odo, abbot of Cluny, and to his successors, he confirms the possession of the estate of Escutiola.

Leo, bishop, servant of the servants of God, to Odo, venerable abbot of the monastery of Cluny, and to his successors forever.

The desire to follow a religious purpose, for achieving the stability of holy places must, with God as author, be accomplished without delay. With regards to advantages or benefits, if one requests our assent and the support of apostolic authority, it is fitting for us, out of kindness, to give help freely, and to strengthen what is established for full security on the basis of reason. Thus, both the safety and inviolability of that venerable place may be

[150] The ninth indiction ran from 24th September, 935 to 23rd September, 936.
[151] Again, *sexti* is clearly scribal error. This is Leo VII.

secured. For us, the chief reward may be set down by God, the creator of all, in the heavenly heights.

Your Reverence has petitioned us, that we should confirm to you and to your monastery the estate of Escutiola, with churches, houses, lands, fields, meadows, pastures, woods, willow-groves, fruit-bearing or non-fruit-bearing trees of different kinds, wells, springs, streams of perennial water, and all their adjacent cultivated or uncultivated lands, together with male and female serfs dwelling there or anywhere. All things generally and entirely belonging to that estate, situated in the county of Mâcon or of the Aedui [Atun], which the good man Count Gaufrid, both for the redemption of his soul and of his parents, granted to the aforesaid monastery by the instrument of a charter.

We indeed, inclined by your petitions, we who hold the apostolic office, and to whom the care of all the Churches has been entrusted, especially of this monastery which is subject to our jurisdiction, do confirm it, just as the aforesaid Count Gaufrid by the instrument of a charter granted it to the aforesaid monastery.

No man, small or great, or of whatever dignity, may make an invasion, or molestation, or disturbance in the aforesaid estate, or in other things belonging to that estate, against our privilege. From this present tenth indiction [A.D. 937],[152] those properties, by our apostolic authority, shall remain securely and peacefully forever in the same monastery.

Under invocation of divine judgement, we promulgate and decree that no one take these properties away by any trick or argument. Rather, by perpetual right, let the venerable monastery, as has been set forth above, be administered and possessed under the power and dominion of Odo the abbot, or of all his successors, abbots or monks serving God there.

If anyone with rash daring should act against the tenor of this apostolic precept of ours, let him be bound by the chain of anathema of our lord Peter, the Prince of the Apostles.

[152] The tenth indiction ran from 24th September, 936 to 23rd September, 937.

With the devil and his most atrocious pomps, and with Judas the betrayer of our Lord God and Saviour Jesus Christ, he is to be burned in eternal fire, and plunged into the abyss and Tartarean[153] Chaos, to perish with the impious.

But those who, out of pious regard, stand forth as guardians and obedient observers of our health-bringing precept, may they obtain the grace of blessing and the eternal joys of heavenly reward from our just Judge, the Lord our God.

H.IV.

Pope Leo VII grants the castle of Subiaco to the monastery of Subiaco under Abbot Leo III, at the intervention of Prince Alberic of Rome.[154]

(Year 937)

[Zimmemann, *Papsturkunden*, vol. I., p.131.]

Leo, bishop, servant of the servants of God, to Leo, religious priest and monk and abbot of the venerable monastery of the holy pious father Benedict and of St Scholastica, situated in Subiaco. Through you to the same venerable monastery and to your successors in perpetuity.

Since with great solicitude it presses upon us that we must care for all the churches of God and pious places, lest they endure any loss, and so that they may obtain stipends of their own usefulness, it is fitting for us, with the full integrity of pastoral mind, to provide especially for the integrity of those same venerable places, and to confer to them aid, so that our almighty God, for the honour of His holy name and also for His praise and glory, may

[153] See above regarding *Tartarean* (G.IV).
[154] For the addition of this letter to the corpus, see the Translator's Note.

bestow in the starry heights a reward worthy of such pious work, in His most abundant mercy.

Moved by the compunction of the Lord, Alberic, our beloved spiritual son and glorious prince of the Romans, we recognise as serving with burning spirit all the saints who labour diligently for God in the holy places, and as providing a free-flowing abundance for the benefit of the monastery to the needy.

St Benedict, confessor of Christ, desired that before Christ he may hear through the mercy of the Lord the voice: 'Come, blessed of my Father, receive the kingdom prepared for you from the foundation of the world.' Alberic therefore asked of our Apostolate with humble entreaty that we should grant to the monastery of St Benedict the castle in its entirety, called Subiaco, or by whatever other names it is designated, together with all its boundaries, limits and borders, lands, houses, vineyards, fields, meadows, pastures, woods, willow-stands, trees bearing apples, bearing fruit or not bearing fruit, wells, springs, streams of perennial water, buildings, walls touching and adjacent to it, appurtenances cultivated or uncultivated, empty and full, together with the farmers and female farmers belonging to it. Likewise, the rights of mast-feeding, of pasturage, or any other payment which pertains to the right of the castle and which they are accustomed to pay to our holy Roman Church.

We grant to you that place fully, together with all its appurtenances and adjacencies, perpetually, for the use and benefit of the monastery of St Benedict, for the pardon of Alberic's sins. We firmly establish it to be held without any payment.

For from the present tenth indiction [A.D. 937][155] we grant that the aforesaid castle, with all things belonging to it and everywhere pertaining to it, which pertain to the right of our holy Church, is to be held in perpetuity.

[155] The tenth indiction ran from 24th September, 936 to 23rd September, 937.

Decreeing and promulgating under the bond of anathema before God and His terrible future judgement, by this apostolic privilege we sanction, and by the authority of blessed Peter, Prince of the Apostles, we decree and adjure both future pontiffs of the Apostolic See and anyone exercising ecclesiastical administration, or any great or small person, that no one, whoever he may be, endowed with whatever dignity, may have licence in any way to alienate the aforesaid castle or any of its appurtenances – that which is granted by us, as above, spiritually, with all charity, for the support of the servants of God – either in whole or in part.

If anyone (which we do not believe) shall by rash daring act against that which by this authority, pious and firm, has been arranged and granted to that same holy place, or shall resist or in any way transgress those things which for the praise of God has been established for the monastery, let him know that, unless he repents, he is bound with the chain of anathema by the authority of blessed Peter, Prince of the Apostles, whose role we unworthily perform. He is appointed to be burned with the devil and his most cruel attendants and with Judas, the betrayer of our Lord Jesus Christ, in the eternal fire of judgement. He is not to be absolved from the aforesaid bonds of anathema by anyone.

But whoever with pious intent shall have been observant in all things, keeping our apostolic decree which looks to the worship of God – may he obtain in manifold ways the grace of blessing from our most merciful Lord God, and may he merit to be made a partaker in eternal life.

Written by the hand of Leo, *scrinarius* [archivist/scribe] of the holy Roman Church, in the month of August and in the tenth indiction [A.D. 937] mentioned above.

Farewell!

Given on the fourth day before the Nones of August [2nd August], by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the second year (God favourable) of

the pontificate of our lord Leo VII,[156] supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the month and in the aforesaid tenth indiction.

H.V.

Privilege of Pope Leo VII for the same monastery [Cluny]

(Year 937.)

[*Bullarium Cluniacense*, 3.]

To St Odo, abbot of the monastery of Cluny, and to his successors, Pope Leo asserts the estate of Savinias.

Leo, bishop, servant of the servants of God, to Odo, venerable abbot of the monastery of Cluny, and to his successors in perpetuity.

The desire to follow a religious purpose, for achieving the stability of holy places must, with God as author, be accomplished without delay. With regards to advantages or benefits, if one requests our assent and the support of apostolic authority, it is fitting for us, out of kindness, to give help freely, and to strengthen what is established for full security on the basis of reason. Thus, both the safety and inviolability of that venerable place may be secured. For us, the chief reward may be set down by God, the creator of all, in the heavenly heights.

Your Reverence has requested that we confirm for you and for your monastery the estate called *Caviniae*, with houses and vineyards, or lands and woods, fields, meadows, pastures, willow-groves, fruit-bearing trees, trees of different kinds whether fruit-bearing or not, wells, springs, streams of running water, and all its appurtenances, cultivated or uncultivated, together with male and female serfs dwelling there or dwelling anywhere, and

[156] *Sexti* is a scribal error. The Leo in question is Leo VII, not Leo VI.

with all things generally and entirely belonging to the aforesaid estate, situated in the county of Mâcon, which Rudolph, of pious memory, by a charter of grant donated to the aforesaid monastery for the redemption of his soul and of his parents, and of his brother Hugh.

Inclined by your entreaties, we who hold the apostolic office, and to whom the care of all Churches has been entrusted, especially of this monastery (which is subject to the right of the holy Roman and apostolic Church, and to us), thus confirm it, as the aforesaid Rudolph by a charter granted to the aforesaid monastery.

No man, small or great, or of whatever dignity, may dare or presume, against our apostolic privilege, in the aforesaid estate, or in other things belonging to that estate, to make any invasion, or molestation, or disturbance; but from this tenth indiction [A.D. 937], those things, by our apostolic authority, may remain secure and quiet perpetually.

Proclaiming under the adjuration of divine judgement, we decree that no man may take away [the possessions of the monastery] by any device or argument. Rather by perpetual right [those possessions] may increase in the same venerable monastery, as has been fixed above. They shall remain administered and possessed, and in the power and dominion of Abbot Odo, or of all his successors, abbots or monks serving God there.

If anyone with rash daring should act against the tenor of this apostolic precept of ours, let him be bound by the chain of anathema of our lord Peter, the Prince of the Apostles. With the devil and his most atrocious pomps, and with Judas the betrayer of our Lord God and Saviour Jesus Christ, he is to be burned in eternal fire, and plunged into the abyss and Tartarean[157] Chaos, to perish with the impious.

But those who, with pious intent, have been guardians and obedient observers of our saving precept, deserve to obtain the grace of blessing and the eternal joys of heavenly recompense from our just Judge, the Lord our God.

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[157] See above regarding *Tartarean* (G.IV).

Amen.

H.VI.

Lease Agreement for the Chapel of St Theodore.[158]

(Year 937)

[Zimmermann, *Papsturkunden*, vol. I., p.132.][159]

On the order of Pope Leo VII (ex preceptione domini Leoni sanctissimi VI pape),[160] Abbot Ursus of San Vito in Rome (Urso presbyter et monachus et abbas de monasterio sancti Viti), with the consent of his convent, leases (conductionis titulo) for three generations to Abbess Maria Marozia of San Gregorio in the Campus Martius in Rome (Maria, qui et Marozza vocatur, religiosa ancilla Dei de monasterio sanctae Marie et sancti Gregorii, qui ponitur in Campo Martio) the Chapel of St Theodore in Rome (domus... in quo est oratorio sancti Theodori ... posita infra hanc civitatem Romanam iuxta Porta Maiore), together with all appurtenances within the specified boundaries, for an annual rent of three Roman denarii.

For breach of contract, a penalty of one pound of gold is fixed.

Concerning the legal transaction, the Roman notary Andrew (Andreas scriniarius et tabellio urbis Rome) issues a charter, in two copies, signed by Abbot Ursus, by two priest-monks named John, and by the witnesses Teudat, Peter, Theophylact, and Boniso.

H.VII. *

Letter of Pope Leo VII to Gerhard, Archbishop of Laureacum (Lorch)

(Year 937)

[158] For the addition of this letter to the corpus, see the Translator's Note above.
[159] Zimmermann only gives the summary of the agreement, with snippets of the original Latin, given here. Compare a similar agreement under John X (Appendix A: III), which Liverani gives in full.
[160] VI is again a scribal error. The document refers to Leo VII and not Leo VI.

[In Mansi, *Concilia*, vol. XVIII, p. 376.]

Leo sends the pallium to Gerhard.

Leo, bishop, servant of the servants of God, to our most reverend and most holy brother Gerhard, archbishop of the holy church of Laureacum, for all the days of your life.

Shepherds of sheep disdain neither sun nor frost for the guarding of their flock by day and night, so that those sheep may not perish by wandering, nor be torn by the bites of wild beasts and carried off. With watchful eyes they keep guard.

With how much sweat, and with how much care ought we to be wakeful, who are called shepherds of souls, let us consider. Let us not cease to exercise the office of guarding the Lord's sheep, lest on the day of divine judgement, before the supreme Shepherd we be tormented for our sloth by the charge of negligence, when now by the reverence of honour we are judged more exalted among others!

But the pallium we grant to Your Fraternity for celebrating the solemnities of the masses. We allow you to use it (otherwise the privileges of your church remaining as before) on the day of the consecration of the chrism, and of the holy and venerable Resurrection of our Lord Jesus Christ, on the birthdays of the holy apostles and of blessed John the Baptist, on the feasts of the holy Mother of God Mary, on the day of the Nativity of our Lord, and equally on the feast of your church, and on the anniversary of your own consecration, and also at the consecration of bishops and priests, and when a synod is celebrated by you, if perhaps there is there a gathering of neophytes, who by your exhortation are to be led to the faith, and also on the feast of St Stephen the protomartyr and of St Lawrence, and of those saints who bodily rest in your parish, just as it was ordained by our predecessor lord Gregory, bishop of this Holy See.

In the sacristy, however, Your Fraternity ought to put on the pallium, and so proceed to the solemnities of the Masses, and presume to arrogate nothing more to itself by the rash daring of presumption, lest while in outward dress something is inordinately assumed, and even those things which might have been rightly done are lost.

Since the honour of this vestment must be preserved by the modest vigour of your actions, we exhort that the ornaments of your conduct also be fitting, so that, with God as author, you may rightly be distinguished in both.

Accordingly, let your life be a rule for your sons. If any strength has been set forth in them, they will be directed. What they imitate, let them behold. By continual consideration, let them make progress, so that after God they may seem to have lived by your good.

Let not prosperity, which flatters temporally, lift up your heart, nor adversity cast it down, but whatever it may be, let it be overcome by the virtue of patience.

Let no place be found within you for hatreds, no place for indiscriminate favour. Let the good find you kindly, let the wicked know you to be severe; let no evil suggestion make the innocent appear guilty before you; let no grace excuse the guilty. Show yourself not remiss towards delinquents, lest what you have not avenged be perpetrated. Let there be in you both the sweetness of the good shepherd, and the stern rigor of judgement: one which cherishes those living innocently, the other which, by striking, restrains the restless from wickedness.

But sometimes the correction of proposed wickedness, while it wills to be an avenger of evildoers, passes into cruelty. Restrain anger by judgement, and so use the discipline of censure. Strike faults and do not withdraw from the love of the persons whom you correct. Show yourself merciful, as far as strength allows, to the poor. Let your defence help the oppressed, let modest correction oppose oppressors. Receive no one against justice, despise no one seeking justice. Let the guard of equity excel in you, so that neither the rich by their

power persuade you of something beyond reason, nor the poor by their lowliness are led to despair. By God's mercy, you may be such as holy Scripture prescribes: *It behoves a bishop to be irreproachable* (1 Tim. 3).

But all these things you will be able to use beneficially. If you have charity as your teacher, you shall not depart the path.

Behold, dearest brother, among many other things these are of the priesthood. These are of the pallium, which if you diligently preserve, what you have received externally, you will have within. The faith you briefly declared in your letters, you ought to have explained more fully, yet we give thanks to our Redeemer, because in that very brevity we knew it to be firm.

May the Holy Trinity surround Your Fraternity with the protection of His grace, and direct us in the way of His fear, so that after bitterness we may together merit eternal sweetness.

Amen.

H.VIII.

Letter of Pope Leo VII to Hugh of the Franks,[161] and the Abbot of the Monastery of St. Martin of Tours.

(Year 938.)

[In Mansi, *Concilia* vol. XVIII.]

He forbids that entrance be given to women into the monastery of Blessed Martin.

[161] Literally *AD HUGONEM FRANCORUM REGEM* in Migne's title. However, Hugh the Great was not King of France, with the letter itself later acknowledging Louis IV. Hugh himself was Duke of the Franks. The implication of the letter seems to be that Hugh was also lay abbot of the monastery of St Martin of Tours in 938, though I have found no independent source that verifies this.

Leo, bishop, servant of the servants of God, to the glorious prince of the Franks,[162] our son Hugh, abbot of the most blessed Martin, and to his perpetual successors forever.

The Creator of the universe and Disposer, Christ the Lord, by the most holy mystery of His Incarnation, deigned to unite to Himself the universal Church. He appointed the various saints in the same Church as if diverse members in one body. Each one, as it pleased His inward counsel, He wondrously ordained in the body of that Church, of which He deigned to be the head; adorning some more excellently, so that, just as in a body some members are more honourable and suited to their offices, so too in the Church, each one, whether more excellent or lower, might suitably fulfil his functions, with the Author Himself ordering it. According to the Apostle [Paul], one star differs from another star in brightness (1 Cor. XV).

Among those whom divine dispensation exalts more highly, the most blessed Martin, archbishop of the See of Tours, shines forth not in a small way. His glory indeed the universal Christian people attest. By a divine instinct, they love him with a special affection in common, so that nowhere else, after the threshold of the holy apostles [Rome], do supplicants gather from such distant and diverse nations, as they do at his venerable tomb. The sacred place where he rests, even from ancient days, was held in great reverence, not only among the common people, but also among the most excellent kings and princes, as some of you know by seeing. As we have heard, no woman was ever permitted access within the enclosure of the monastery, even in the time of the pagans.

But it became necessary that, because of the pagan incursion, Martin should be placed in the city. His worshippers lamented, because they were not able to venerate him in such reverence as before, nor to forbid the concourse of women. Near his basilica, you strove to

[162] Literally *glorioso principi Francorum.* As noted, Hugh was Duke of the Franks.

have a wall founded, so the place might be defended from fire, and be maintained in its former honour.

But the matter turned out otherwise.

Through the occasion of the fortress, there is for women a shameless and free intercourse. This has no other cause than the negligence and lukewarmness of [St Martin's] servants.[163] The day of judgement will come, and each will rise in his own order, and it will be manifest through whom religion has been raised up, or through whom it has been neglected.

It is to be lamented that perilous times have already come. Charity has grown cold in many, but iniquity has exceedingly abounded.

The holy Church has been specially committed to blessed Peter, the Prince of the Apostles, and through him to his successors. Each of us, as far as he is able by God granting, should sustain the utility of the same Church by some authority, so long as it is in need. It seems right to us to remind you, through our prohibition, of your negligence which exists towards the worship of that most holy place.

First of all, we enjoin in the Lord, that you, most excellent abbot Hugh, and the superiors of that monastery, apply utmost care, so that throughout the whole circuit of the old wall, as far as the road which turns along the northern side of the basilica, no woman, after you have seen this letter, may have permission to remain. Nor indeed even to enter, except for the sole cause of prayer.

If any one of the servants neglects this apostolic prohibition, or if any woman presumes to enter, let him be excommunicated until he may merit to be absolved through a promised amendment. But if, because of boldness and contempt, he (or she) persists obstinately in their transgression, we utterly excommunicate them.

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[163] That is, the monks.

To those observing these things may the grace and peace of Christ be multiplied through His apostles and through the prayers of blessed Martin.

Written by the hand of Theodore, notary and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January, in the eleventh indiction [A.D. 938],[164] Louis IV being king of the Franks.

H.IX.

Privilege of Pope Leo VII for the Monastery of Cluny.

(Year 938)

At the request of Abbot Odo Leo confirms the Cluniac monastery, with all things belonging to it, free from the dominion of any person, and he forbids that it ever be entrusted to anyone, whether canon or layman, or even to an abbot-monk, unless that man live according to the Rule. He also affirms the liberty of electing its abbot.

Leo, bishop, servant of the servants of God, to Odo, religious abbot of the monastery of Cluny. A monastery consecrated in honour of the most blessed apostles Peter and Paul, built by William, duke of Aquitaine, and through you committed to your successors forever.

It is evident to the piety of the faithful that the care of the universal Church has been specially committed to blessed Peter, and through him to his successors. It befits our governance, that we, who by God's authority preside over the holy Roman See, should with pious benevolence come to the aid of whatever faithful who live or converse according to religion, wherever they may need or seek our support.

The aforesaid monastery of Cluny, first in love of the blessed apostles to whom it has been consecrated, and in the religion observed there, and in the love of our sons, King

[164] The eleventh indiction ran from 24th September, 937 to 23rd September, 938.

Hugh[165] and his son Lothair,[166] who, as we have heard, greatly cherish that place, we have decreed to exalt and strengthen by our apostolic authority.

Just as is in the privileges of our predecessor Pope John [XI], we decree that the monastery be free, and absolved from the dominion of any person, and so also all the things belonging to it, which the monks now hold or shall rightly acquire, subject only to the Roman See, just as is contained in the testament of William of blessed memory. Thus it may never be entrusted either to a canon, or to a layman, or even to an abbot-monk unless he lives according to the Rule.

As for the estates which King Rudolph of pious memory granted to the monastery, we fully confirm them. Although they once belonged to the church of Lyon or of Mâcon, none has lived so long a life that that they have seen in those churches any vestiture [installation of a holder] from those estates. The prescribed legal time for recovering such claims has passed, so let every further claim fall silent.

Concerning the ordination of an abbot and the immunity of the goods of that monastery, let it be perpetually observed as in the mentioned privileges.

If anyone should usurp or retain those estates which the aforesaid kings, our sons, have granted, or any of its goods, or the monastery called *Carus Locus*, which our predecessor, by authority of privilege, gave to Cluny itself, we excommunicate him.

All who have been helpers of that monastery or of its brotherhood, insofar as power has been bestowed on us by God through blessed Peter, we absolve from their past sins, if they wish to amend themselves. Those who have stood opposed, unless they repent, we bind under the chain of anathema until the day of the Lord.

May the peace and grace of Christ be multiplied to those who observe this.

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[165] Literally *regum Hugonis*. This is Hugh of Italy/Hugh of Arles, not Hugh the Great of the Franks.
[166] Literally *atque filii ipsius Lotharii*. This is the future Lothair II of Italy.

Written by the hand of Leo, notary and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January, in the eleventh indiction [A.D. 938].[167]

But the chapel at Petronnanus, which is in opposition to the church of blessed Peter de Lango, as was determined at the council of bishops at Chalon-sur-Saône, we utterly excommunicate. We command all priests by the authority of God and of St Peter, and of ours, that none presume to celebrate divine office in it.

H.X.

Privilege of Pope Leo VII for the monastery of St Benedict of Fleury.

(Year 938)

[In Mabillon, *Acts of the Saints of the Order of St Benedict*, vol .V., p.907.]

He confirms the discipline of the monastery of St Benedict of Fleury, restored by Abbot Odo and Hugh, Duke of the Franks, as well as its possessions and privileges.

Leo, bishop, servant of the servants of God, to Odo, religious abbot of the venerable monastery of St Benedict, also called Fleury, in which Benedict himself rests in body, and through you in the same monastery, and to your successors in perpetuity.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state. In this we ought to have every diligence. Through the demands of our sins, the order of things has been greatly disturbed. We must take care to uphold it, insofar as by God's bounty we are able.

[167] The eleventh indiction ran from 24th September, 937 to 23rd September, 938.

We have rejoiced greatly, because we hear the monastery of the most blessed Benedict, Father and leader of monks, blooms again according to the rule of monastic religion. Monastic order has greatly diminished everywhere, but hope is still present. If in that monastery, the head and beginning, religious observance blooms again, the other monasteries around it, as though limbs and members, may recover strength.

The Apostle [Paul] says, "when one member rejoices, the remaining members rejoice together with it." So on the contrary, "every head is sick, and every heart is sorrowful […] from the sole of the foot to the crown there is no health."

So that the manner of life […] as we have learned by certain and most true report, which our son Odo, the abbot in this monastery, and the venerable man Hugh, Duke of the Franks, have recently established, may advance securely in regular discipline, we favour that place and provide support by our apostolic admonition and authority.

By that authority and power which Christ our Lord granted in blessed Peter, the Prince of the Apostles, to the rulers of the holy Church, and by the decree also of our apostolic authority, we ordain that never shall that place, or anything belonging to it, be subjected to the power of anyone, except only the king. Nor shall the king himself, or any prince, ever hand over that place to a bishop, or a canon, or to any abbot, or to a layman, or to any person for lordship. But, just as the Father Benedict established, after the departure of Abbot Odo, the monks shall have such a man as abbot as the whole congregation, or even the lesser part with sounder counsel according to God, may elect. Whether he be from the same congregation or from any other monastic brotherhood whatever.

If (God forbid) they elect a person who by gift, or by desire of vain glory, might wish to preside, this we utterly forbid in the name of the Lord, and of His holy Mother in whose honour that place is dedicated, and also of blessed Peter, the Prince of all Churches. And whoever, whether of the monks themselves or of any order whatsoever, in the ordaining of an

abbot, or in the injury of possessions, or in detracting from or hindering the manner of life the younger brothers hold, shall stand opposed, we bind him under the chain of anathema, until, humbled, he repents.

The estates which, by the authority of a testament, have been decreed of old for the use of the brothers, that is, the whole of that valley, and Caput-Cervium, and Evera, and Arminicurtem, and Diacus, and Toriacum, and Sarmaciola, and what belongs to them at Stampas, and Vinolium, and whatever is contained in the aforesaid testament, let the brothers hold these in common. Neither the abbot himself nor any person may dispose of anything under the power of another.

In the ordaining of an abbot, the king, and bishops, and good princes, and laymen, shall have this power, according to the precept of blessed Benedict: that they may not permit the agreement of the wicked to prevail, but rather appoint such a one who shall endeavour to rule according to the Rule and the religious customs of the aforesaid Fathers.

The said order has been almost everywhere transgressed, and certain brothers in some monasteries lament that they cannot live without property, nor are they able to amend others wishing to have it. We grant this licence: those who wish, for the zeal of a better life, to take refuge with the same Father of monks, may not be denied by their abbots. Let them be permitted to remain according to the custom among the brothers of the aforesaid monastery, until in their own monasteries the regular order again flourishes.

Conversely, we permit that if to anyone […] it has been burdensome, so that to his own detriment […] he may depart, so that he may not trouble others.

The immunity established by our constitution is to remain inviolate in all places. No person of power may presume to constrain the household, or usurp the possessions, or trouble them. That all these things may be held more firmly, whoever shall have been helpers of the fraternity of that monastery, as far as power has been granted to us by God through blessed

Peter, we absolve as faithful to the holy Church, if they wish to amend their ways. Those who in any way stand opposed, we bind under the chain of anathema, unless they repent, until the day of the Lord.

May the peace and grace of Christ be multiplied to those who observe these things.

Written by the hand of Theodore, notary and subdeacon of the Holy Roman Church, in the month of January, in the eleventh indiction [A.D. 938].[168]

Farewell in the Lord.

Given on the fifth day before the Ides of January [9th January], by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the third year, by God's mercy, of the pontificate of our lord Pope Leo [VII], supreme and universal pontiff, in the most Holy See of the blessed apostle Peter, in the aforesaid month and indiction.

H.XI. *

Letter of Pope Leo VII to Guy of Lyon, Theotolo of Tours, etc.

(Year 938)

[In Mabillon, *Acta Sanctorum Ordinis Sancti Benedicti*, as above. Augmented by Zimmermann, vol. I., p.157.]

He laments the wretched condition of the Church. Concerning the regular discipline restored in the monastery of Fleury by Abbot Odo.

[168] The eleventh indiction ran from 24th September, 937 to 23rd September, 938.

Leo, bishop, servant of the servants of God, to the brothers and sons, namely the archbishops and their suffragans, Guy of the Church of Lyon,[169] Theotolo of Tours,[170] Gerontius of Bourges,[171] Gerlair of Sens,[172] Artaud of Reims,[173] and their successors forever.

Your faith and piety are not ignorant. To such an extent did Christ our Lord love the holy Church, that He purchased her with His own blood, and He entrusted her indeed to the rest of the apostles and to their successors. Above all through their chiefs, the most blessed Peter and Paul, He decreed that this Church be governed. Their successors, both in this Holy See and throughout the whole world, strove to rule it according to the pattern of apostolic institution.

But, as it is clear, in our days perilous times have come, and with charity growing cold, iniquity abounds excessively. Almost the whole order of things is disturbed, and no place for religion is left any longer. We (most lamentably!) neither strive against evil, nor repress impiety. Whatever is opposed to religion, we negligently overleap with eyes closed.

Yet although slothful and idle, and by no means fearing our own negligence, we cannot be ignorant that we shall render an account to God concerning our stewardship. Dearest ones, let us strive, as far as we are able by divine grace, that we may not be found wholly void of guarding religion or of pious deeds.

But, that we may come to the matter at hand, it has been reported to us, and also by a certain most true report, that our son Odo, the venerable abbot from the most reverend monastery called Fleury (built in honour of the holy Mother of God Mary and of St Peter, where rests our most excellent Father, our lord, the most blessed Benedict, the ornament and

[169] Guy of Lyon (928-949).
[170] Theotolo of Tours (932-945).
[171] Gerontius of Bourges (910-948).
[172] Gerlair of Sens (938-954).
[173] Artaud of Reims (931-940).

jewel of monks), seems to hold somewhat of the regular life, according to the tradition of his predecessors, together with his brothers serving God there.

This order are reviving in the aforesaid place, God favouring, we have heard[174], and so we have determined with all effort to support them in the matters that pertain to us. Therefore, in place of blessed Peter, Prince of the Apostles, whose office we hold, though unworthy, we send this letter of apostolic authority to your fraternity on behalf of our son Odo and the monks. We beseech and order that (trusting in your common obedience and solicitude) you assist in those things which pertain to pastoral care.

Wherever this brotherhood in the service of God, by God's bounty, has spread forth and grown in religion and in estates and in villages, if anyone violent and rapacious presumes to disturb or to despoil these goods or the said villages, especially: Batraciacum with all its appurtenances; Caput Cervium with its appurtenances; Tauriacum and of Diacum with their appurtenances; Arminicurtis with its appurtenances; Cameron and of Everadum with all their dependencies; Castellio with all its dependencies; Valliacum with all its dependencies; and Vinolium with its appurtenances; and all goods which pertain to those holy monks – if anyone shall presume to infringe them, we ask and order the bishop of the relevant diocese, whoever he may be, to call him to account by my authority through the exemplar of this letter and by his own admonition, and, if he can, correct and amend him.

And if indeed he shall make amends, we permit him grace and communion within the bosom of holy mother Church. But if he proves rebellious and wicked, despising our and your admonition, and does not wish to amend, in the place of blessed Peter we command that you, together with your fellow-bishops, bind that thief and violator of God's holy Church under the bond of anathema.

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[174] Migne's version cuts off here, with the lament *Thus the Fleury exemplar ends. Would that we possessed it complete.* Thanks to Zimmermann, we do now possess it complete.

Let his portion be with Dathan and Abiron, whom the earth swallowed alive on account of their pride; and with Judas the traitor, who sold the Lord for a price. Let his sons become orphans and his wife a widow; let his children be carried away and beg, and be cast out from their dwellings; let the money-lender search out all his substance, and let strangers plunder his strength; let there be for him no helper, nor anyone who may have mercy on him.

And again: all who have said, 'Let us possess by inheritance the sanctuary of God' – O God, set them like a wheel; as fire which burns a forest, and as a flame burning mountains, so let God pursue them and fill their faces with disgrace, so that they may be troubled and ashamed and confounded and perish.

And let those curses be upon him which the Lord, through Moses, proclaimed upon the sons of Israel if they should contemn hearing Him. Let him be cursed in the city, cursed in the field, cursed be his storehouse, cursed the fruit of his womb and the fruit of his land, cursed the herds of his oxen and the flocks of his sheep, cursed in his coming in and cursed in his going out. May the Lord destroy him with hunger and thirst and want, with fever and chill until he perish; may the Lord deliver him fallen before his enemies; and may his corpse be food for all the birds of heaven and the beasts of the earth.

May the Lord strike him with an evil ulcer, and also with scab and itching, with madness and blindness and frenzy of mind; let him grope at midday as the blind are accustomed to grope in darkness.

And just as the Lord gave to blessed Peter and to his successors (whose office we hold, though unworthy) the power that whatever they shall bind on earth shall be bound also in heaven, and whatever they shall loose on earth shall be loosed also in heaven, so to those unwilling to amend, we close heaven and deny the earth for burial. Let them be plunged into the lower hell. Let him pay there what he has done, until the last farthing.

This letter we direct not only to the bishops, but also to the neighbouring abbots who live according to the rule the Lord established through blessed Benedict, so that if perhaps that foolish man should think, in his confusion, the excommunication of a few bishops is to be despised, the challenge of many may break his impiety, and the members which have been solicitous for one another may be held more firmly and robustly in the body of Christ.

This letter, through which we speak, we mark with the seal of apostolic authority and hand over to the monastery of lord father Benedict to be preserved.

H.XII.

Privilege of Pope Leo VII for the Monastery of Subiaco.

(Year 938)

[Cocquelines, *Bullarium Romanum*, vol. I, p. 246.]

The Pope grants to Leo, abbot of the monastery of St Benedict of Subiaco, and to his successors, through the intervention of his beloved spiritual son Alberic, the glorious prince and senator, the monastery of St Erasmus on the Caelian Hill.

Leo, bishop, servant of the servants of God, to his beloved son Leo, monk and priest, and abbot of the venerable monastery of St Benedict at Subiaco, and to your holy congregation, and to your successors in the same monastery forever.

Compelled by the care of entrusted oversight, and moved by zeal for Christian religion for the service of divine worship, we are anxious for the stability of venerable places and the security of those who serve God. Thus, by pious effort devoted to Christ, those who have resolved to serve Him day and night may persevere undisturbed, and those establishments constructed by Christians for the praise of God may remain firm.

The monastery of St Erasmus, a martyr of Christ, in this city of Rome on the Caelian Hill, has now, with the passing of time, become stripped of a congregation of servants of God and lacks any prior occupant, either superior or monk. Through the intervention of our beloved spiritual son Alberic, glorious prince and senator, we entrust the monastery of St Erasmus to you, and associate it with your monastery at Subiaco for refuge and for the benefit of the congregation of brothers in that venerable place, offering praises to our Lord God.

We decree forever that, lest it be destroyed by pagan persecution or by wicked men, the monastery of St Erasmus, with its cells, houses, and other buildings, with its walls, together with gardens, lands, fields, olive groves, fruit trees, and all its appurtenances, situated in Rome in the second region, before the venerable church of St Stephen the protomartyr on the Caelian Hill, to have these boundaries:

On the first side the intact courts of Gregory, and the public road, and the little house of Peter John, and the little house of several men, and other buildings with a crypt, and sowable land, commonly called *Centum Scutorum*.

On the second side, sowable land of Leo, the religious priest, and the public road leading to Decennias.

On the third side, sowable land of the heirs of Adrian, formerly of the Neapolitan bath, and the vineyard of the noble woman Sergia.

On the fourth side, the little house of the oratory of Saints Cosmas and Damian.

From the public road, part of the boundary of the monastery of St Erasmus, with all things pertaining to it, both inside and outside, and around it, or wherever located, together with the hamlet called Quintum, and all its appurtenances, we grant and confirm to you and to your successors, abbots of the same monastery, in perpetuity, to be governed with fear of God, and held for the use and benefit of the monastery of Subiaco.

We decree, under the threat of divine judgement, that none of our successors, pontiffs, or any person of any dignity or condition shall dare remove these things from your jurisdiction or inflict any harm by contrivance or argument. All these things shall remain in the jurisdiction of your monastery.

But if anyone should presume to violate this, let him know that he is bound by the bond of anathema, and alienated from the kingdom of God, unless he repents. Let him know that he will be burned in eternal fire with the devil and subjected to most atrocious punishments, with Judas the betrayer of our Lord God and Saviour Jesus Christ, and be plunged into the abyss and Tartarean[175] Chaos with the impious.

But those who, with pious intent, shall be guardians, obedient and observant, of our salutary precept – may they receive the grace of blessing and the reward of heavenly recompense from the just Judge.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of February, in the above-mentioned eleventh indiction [A.D. 938].[176]

Farewell.

Given on the fifth day before the Ides of February [9th February], through the hand of Nicholas the *primicerius*, in the third year of the pontificate.

H.XIII. *

Letter of Pope Leo VII to Guy of Lyon, Theotolo of Tours, etc.

(Year 938.)

[From Marca, in the Appendix to *Marca Hispanica*, p. 851.]

[175] See above regarding *Tartarean* (G.IV).
[176] The eleventh indiction ran from 24th September, 937 to 23rd September, 938.

He commends to them the monastery of St. Mary and St. Peter of Ripoll. He orders that whoever shall have invaded its goods be anathematised.

Leo, bishop, servant of the servants of God, to his most beloved brothers and sons, namely the archbishops and bishops and their successors, Guy of the Church of Lyon,[177] Theotolo of Tours,[178] Gerontius of Bourges,[179] Gerlair of Sens,[180] Artaud of Reims,[181] Aimery of Narbonne,[182] Riculf of Elne,[183] Godmarus of Girona, Guilara of Barcelona,[184] Wadamirus of Ausona,[185] Wisadus of Urgell,[186] and to their successors forever.

Your piety is not ignorant. So far did Christ our Lord love the Church that He purchased it with His own blood. He commended it indeed to the other apostles and to their successors, but especially decreed its ordering through their princes, the most blessed Peter and Paul: whose successors, both in this See and throughout the world, have striven to rule it according to the form of apostolic institution.

But in our days perilous times have come. Charity has grown cold, and no place now seems to remain for religion. We, grievously, neither strive against the foe, nor repress impiety. Whatever it is that opposes religion, we carelessly leap over with eyes shut. Inert and slothful, we in no way fear our negligence, yet we cannot be ignorant that concerning our stewardship we shall render an account to God.

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[177] Guy of Lyon (928-949).
[178] Theotolo of Tours (932-945).
[179] Gerontius of Bourges (910-948).
[180] Gerlair of Sens (938-954).
[181] Artaud of Reims (931-940).
[182] Aimery of Narbonne (926-977).
[183] According to the list of bishops of Elne, a Riculf was bishop until around 915, and another Riculf was bishop from 947. During Leo VII, the bishop of Elne was Wadaldus.
[184] Guilara of Barcelona (c. 937-959).
[185] According to the list of bishops, the relevant bishop was Jordi of Vic (Ausona) (914-947). I cannot explain the discrepancy, save that the letter is spurious.
[186] The bishop of Urgell at this time was Radulf (914-940). I cannot explain the discrepancy, save that the letter is spurious.

Wherefore, dearest ones, let us strive, as much as we can by divine grace, that we be not found wholly empty as guardians of religion, or as lacking in pious acts.

But to come to the matter at hand, by certain true report we have learned our son Arnulf, a venerable abbot, in the monastery with the name Ripoll, constructed between the two rivers Ter and Freser in honour of the holy Mother of God Mary and of St Peter, where the order of our lord the most blessed Benedict seems to be observed (the glory and jewel of monks), appears to hold to the regular tradition, by the authority of his predecessors, with his brothers there serving God.

Order in the aforesaid place, God granting, flourishes again, as we have heard. We foster with all effort those things which pertain to us.

This letter of apostolic authority, in the place of the Prince of the Apostles, blessed Peter, which we, though unworthy, are seen to hold, directs your kindness towards Arnulf the abbot and his successors and the monks of the monastery. We beseech and command that, just as we trust in your common obedience and also your care, you do not neglect to help in those things pertaining to pastoral responsibility.

Wherever this fraternity, with God's favour, in religion and in lands and in villas, has expanded and increased (likewise the neighbouring places serving the almighty Lord), we establish that, if anyone violent and rapacious presumes to disturb, or to plunder the very things and the villas with all their adjacencies or appendages which pertain to the monks of the holy monastery of Ripoll and to the holy congregation, we order Bishop Wadamirus of the See of Ausona, in whose diocese the monastery is situated, or his successors, in my stead, through the copy of this page, whosoever he shall be, by our admonition to summon, and if possible, to amend and correct.

If indeed the perpetrator amends, grace and communion within the bosom of holy Mother Church we permit to him. But if rebellious and wicked he remains, unwilling by my

and your admonition to amend his sins, in the place of blessed Peter we order that all the above-named archbishops and bishops (with your successors) bind that thief and violator of the holy Church of God with the bond of anathema. Let his portion be with Dathan and Abiron, whom the earth swallowed alive because of their pride. Let his sons become orphans and his wife a widow, let his little ones, wavering, be carried about, and let his sons beg and be cast out of their dwellings. Let the usurer search out all his substance, and strangers plunder his labours. Let there be no helper for him, nor one who may pity his orphans (Psalm 108:9).

And again: "All who said: Let us possess by inheritance the sanctuary of God. My God, make them like a wheel, and like stubble before the face of the wind. As fire which burns a forest, and as a flame burning mountains, so pursue them, O God, and fill their faces with ignominy, so that they may be confounded and troubled and ashamed and perish" (Psalm 82:13).

Let those curses be upon him which the Lord, if they despise to hear Him, promulgated upon the sons of Israel through blessed Moses. Let him be accursed in the city, accursed in the field, accursed be his storehouse, accursed the fruit of his womb, and accursed the fruit of his land, accursed the herds of his oxen, and the flocks of his sheep, accursed in his going out and in his coming in. May the Lord destroy him quickly from the land. May the Lord strike him with hunger and thirst, poverty, fever and cold, until he perishes. May he fall before his enemies; and let his corpse be food for all the birds of heaven and the beasts of the earth. May the Lord strike him with an evil ulcer, and also with scab and itch, with madness and blindness and fury of mind. Let him grope at midday, as a blind man is wont to grope in darkness.

And just as the Lord gave to blessed Peter and his successors, whose office, although unworthy, we hold, the power that whatever they bound on earth should be bound in heaven,

and whatever they loosed on earth should be loosed in heaven; so to them, if they shall have been unwilling to amend, we shut heaven, we deny earth for burial; and let him be sunk into the deep of hell, and let him pay there what he has done until the last farthing.

We direct this letter not only to bishops, but also to abbots, near or far, who live under this rule regularly, which the Lord established through blessed Benedict, that together with us they may tighten the knot of this excommunication: so that if that foolish man should think the excommunication of a few bishops something to be despised, at least by the consensus of many his impiety may be broken, and the members, which have been solicitous for one another, may be held more peacefully and more strongly in the body of Christ.

Truly, this letter, through which we speak to you, we have marked with the seal of apostolic dignity and authority, and we hand it over to be perpetually preserved both in the monastery of the blessed Virgin Mary and in the other places of the saints.

Farewell in the love of Jesus Christ our Lord.

Amen.

H.XIV.

Privilege of Pope Leo VII for the Monastery of Cluny.

(Year 936–939.)

[*Bullarium Cluniacense*, 2.]

To St Odo, abbot of Cluny, and to his successors, he affirms the estates of Saviniacum and Ambariacum, at the request of Hugh the glorious king together with his son, King Lothair.[187]

[187] This is Hugh of Italy/Hugh of Arles, and not Hugh the Great, Duke of the Franks.

Leo, bishop, servant of the servants of God, to lord Odo, venerable abbot of the monastery of Cluny, and to his successors in perpetuity.

Religious purpose and the stability of holy places is, by the help of God, to be accomplished without delay. Whenever our assent and the support of apostolic authority is sought, we ought readily, by kindness, to give assistance, and to establish it as valid by reason. From this, the welfare and immunity of that venerable place may be provided for. For us, the choicest reward may be prescribed by God, the maker of all things, in the heavenly heights.

Our beloved son Hugh, glorious king, together with his son King Lothair, has entreated our Apostolate that we should confirm by our apostolic privilege the gift of two estates, Saviniacum and Ambariacum, which King Hugh by the page of his decree gave to the monastery, built in honour of the holy apostles Peter and Paul. This gift is for the salvation of his soul and of his parents, with churches, lands, vineyards, houses, fields, meadows, pastures, woods, willows, fruit-bearing and various kinds of trees both fruit-bearing and not, wells, springs, streams of running water, buildings, appurtenances and adjacencies cultivated or uncultivated, together with male and female serfs residing there or anywhere, and with all things generally and in full pertaining to the aforesaid estates. Save for three persons whom the aforesaid king in his decree reserved to himself, situated in the county of Lyon.

Inclined by their prayers, we who hold the apostolic office, and to whom the care of all churches has been committed, especially this monastery, which is subject to the right of the holy Roman and apostolic Church, thus confirm all these things. Just as through his decree our aforesaid son gave to the aforesaid monastery.

No man, small or great, or of whatever dignity, shall presume, against the authority of our apostolic privilege, to invade or seize these things. They shall remain safe and quiet perpetually in the monastery.

Pronouncing under the invocation of the divine judgement, we decree that no one may by trick or argument take these things away. By perpetual right, they shall remain, as affixed above, in the same venerable monastery, and under the power and authority of Abbot Odo, or of his successors, abbots, or monks there serving God, to be disposed and possessed.

But if anyone by rash boldness shall act against the tenor of our apostolic decree, piously promulgated, let him know that he is bound by the chain of the anathema of our lord Peter, Prince of the Apostles. With the devil and his most atrocious pomps, and with Judas the betrayer of the Lord God and Saviour Jesus Christ, he shall be burned in eternal fire. Plunged into the abyss and Tartarean[188] Chaos, he shall perish with the impious.

But those who with pious intention shall have been guardians, and obedient observers, of our decree, may they obtain the grace of blessing and the eternal joys of heavenly reward from our just Judge, the Lord our God.

H.XV.

Letter of Pope Leo VII to Adaldag, Bishop of Hamburg.

(Year 936–939.)

[From Lappenberg, *Hamburg Cartulary*, vol .I., p. 42.]

He sends him the pallium.

Leo, bishop and servant of the servants of God, to the most reverend and most holy Adaldag,[189] bishop of the holy Church of Hamburg, situated beyond the river called Elbe, for the days of your life.

[188] See above regarding *Tartarean* (G.IV).
[189] Adaldag of Hamburg (936-988).

If shepherds of sheep endure sun and frost for the guarding of their flock day and night, so that not one may perish by wandering or be seized by the jaws of wild beasts, for those shepherds keep ever-watchful eyes, with how much sweat and how much care must we be vigilant, we who are called shepherds of souls?

Let us pay attention and not cease to perform the office undertaken concerning the guarding of the Lord's sheep, lest on the day of divine judgement the guilt of negligence torments us before the supreme shepherd. We are judged higher than the others by the reverence of honour.

The pallium, according to custom, we have sent to Your Holiness for the celebration of the solemnities of the Masses. The use of this we grant to you only as follows (the privileges of your church remain as before). On the holy and venerable day of the Resurrection of our Lord, and on the feast-days of the holy apostles, and on that of St John the Baptist, and also on the Assumption of Mary the Mother the God…

The remaining text is missing.[190]

H.XVI.

Letter of Pope Leo VII to Frederick, Archbishop of Mainz.

(Year 937–939.)

[From Wurdtwein, *Epistolae S. Bonifacii*, p.373.]

He presents Frederick as his vicar and envoy in all the regions of Germany. He permits him to expel Jews from the cities unless they embrace the Christian faith. He forbids that those unwilling be baptised.

[190] Migne's note.

Leo, bishop, servant of the servants of God, to our most reverend and most holy brother Frederick,[191] Archbishop of the Church of Mainz.

In the days of your life only…

We are bound by the love of the brotherhood and guided by the authority of the Apostolic See, so that, consulting with the brethren as the Lord gives, we may respond, and instruct them. Your devotion demands the decisions of the Apostolic See, which we ought neither to deny you nor can deny you. Our predecessors did this for the bishops of many regions, which compels us, who have been placed in the same See, God granting, to act with fraternal charity.

Therefore, we command what must be done. You have wished to consult this holy, catholic, and Apostolic See – the head of all churches, the Roman Church – which always follows the pure and deepest authorities of the holy Fathers in all its acts.

In your letters, you requested that by our authority we might grant you be vicar and envoy of our Apostolic See over all Germany. You assert that the ancient metropolitan See of Mainz deserves to be made vicar and apostolic envoy of all Germany by our Apostolic See, by the authority of the blessed Peter, Prince of the Apostles.

Know that we have diligently examined the registers of privileges in the archives of our holy Church. You assert these privileges were granted by our two predecessors, Gregory [III], Zachary, and Stephen [II],[192] to Boniface, bishop of your See, by apostolic confirmation. We have studied the matter with careful attention and vigorous diligence […] and we have been able to find only one register with that authority.

With all your heart and humble supplication, you begged that our apostolic authority grant you command and licence, so that you may restrain wicked and depraved men, and by

[191] Frederick of Mainz (937-954).
[192] "Two predecessors." Three are listed. Boniface was Archbishop of Mainz 745-754. Gregory III died in 741, so only Zachary and Stephen II overlap with Boniface.

your exhortations call them back to the way of truth. We grant to you, in our place, this licence, because you promise henceforth to show subjection and all fidelity to the Holy See. By the authority of the blessed Peter, Prince of the Apostles, we give you the power to be our vicar and envoy in all the regions of all Germany.

Wherever you find bishops, priests, deacons, or monks who have transgressed against the canons and institutions of the holy Fathers, or against ecclesiastical rule, do not omit to correct them and bring them back to the way of truth by apostolic authority, according to the canons and institutes of the holy Fathers.

Concerning the Jews, you have sought our authority, whether it is better to subject them to the sacred religion or to expel them from your cities. This we command to you by precept. Do not cease to preach to them the faith of the Holy Trinity, and the mystery of the Lord's incarnation, with all discernment and prudent counsel of God and with reverence.

If they wish to believe and be baptised with all their heart, we render thanks with immense praise to Almighty God. If they do not wish to believe, expel them from your cities with our authority. We ought not to have fellowship with the enemies of the Lord, as the Apostle [Paul] says: "What communion has light with darkness, or what part has the faithful with the unbeliever?"

However, do not baptise them by force or without their will and request, for it is written: "Do not give what is holy to the dogs, and do not cast your pearls before swine, lest perhaps they trample them under their feet."

Moreover, the faith of the Holy Trinity, which you preach to the Jews and the Gentiles, you have also sent to be approved by the holy Roman Church, namely your mother. You believe and hold intact and undefiled the faith, just as the apostles and their successors have delivered it to us, and as the holy Roman Church preaches it to all peoples everywhere.

H.XVII. *

Letter of Pope Leo VII to the Gauls and Germans

(Year 937–939).

[From Mansi, vol. XVIII, p.378.]

He orders many things pertaining to discipline be corrected.

Leo, bishop, servant of the servants of God, to the kings, dukes, bishops, abbots, counts, and likewise to Egilolphus of Juvanum,[193] Isangrim of Regensburg,[194] Lantpert of Freising,[195] Wisundus of Säben,[196] venerable bishops of the Church, and to the rest dwelling throughout Gaul, Germany, Bavaria, and Alamannia.

If ecclesiastical institutions, as handed down by the blessed apostles, were wished to be kept intact by the priests of the Lord, there would be no diversity in the orders and consecrations. But each priest, not according to what was handed down, but according to what seems good to him, judges this thing or other to be held.

From this arise differences in various places or churches, whether in observance or celebration. Scandal arises among the people, while many things in your province seem contrary to the ecclesiastical canons and to the decrees of the elders. This could be easily corrected, if the bishops were not seen as authors of these things. Intent on secular matters and seeking human favour, the bishops instead violate religion and corrupt the orders.

We are incited by divine precepts and apostolic warnings to watch with diligent care the state of all the churches. We make it known to Your Fraternity that Gerard, archbishop of the holy Church of Lauriacum [Lorch], coming to the apostolic threshold [Rome] for the sake of prayer, diligently strove to visit our apostolic presence and to receive the grace of blessing.

[193] Egilholf of Salzburg (935-939).
[194] Isangrim of Regensburg (930-941).
[195] Lantpert of Freising (937/938-957).
[196] Best guess for Wisundus Sebonensis. The bishopric of Säben lasted from the sixth century to around 960.

Many things worthy of reproof he communicated to our ears with tearful voice, seeking counsel regarding what is done in your provinces against the rule of the canons and the decrees of the elders.

To the blessed Peter, Prince of the Apostles (and his vicars), the care of all the churches has been entrusted by the Lord himself, the voice of Truth saying: "You are Peter, and upon this rock I will build my Church" (Matthew 16). To him He also entrusted his own sheep, saying: "If you love me, feed my sheep" (John 21). Therefore, we bear concern for all the churches, and, as if placed in a watchtower, we vigilantly care what is done through the provinces of the whole world.

Regarding these matters, Gerard consulted the Apostolic See, and the answers we gave him, we now make known to you through these letters. For his inquiry was as follows.

Concerning diviners, sorceresses, and witches, who are in various ways put to death by the people, whether any penance ought to be required.

Concerning such persons, what the pages of the Old and New Testament judge is clear. In the Mosaic law it is written: *You shall not let a sorceress live* (Exod. XXII). Similarly, in the book of Samuel Saul exterminated all the pythonesses from the land, and other things too numerous to enumerate. But we must also draw such persons to penance by our exhortations, so that they may live more by ecclesiastical judgement in penance than punished by the sword. The blessed Paul the Apostle says: *For God did not appoint us for wrath, but for the obtaining of salvation* (I Thess. V).

If they despise ecclesiastical judgements, let them be subject to human laws. For they must remember that powers were granted by God, and the sword permitted for the punishment of the guilty, and that a minister of God was given in such vengeance. While authority is exercised over such wicked persons, as the blessed [Pope] Innocent [I] says, the judge shall be without injury.

Gerard also inquired whether bishops should pronounce *Peace be with you* or *The Lord be with you*. Throughout your province, this must be observed no differently than in the holy Roman Church. On the Lord's Days, on principal festivals, and on the feasts of the saints, we say *Glory to God in the highest, and peace be with you*. On the days of Lent, and on the Ember Days, or on the vigils of the saints, and on the other fast days, we say only *The Lord be with you*.

After this, he inquired whether the Lord's Prayer ought to be used in the blessing of foods. This ought not to be done, because in the sanctification of the body and blood of our Lord Jesus Christ, only this prayer of the holy apostle was recited. In the Gospel it is read that after the supper made by the Lord they went out to the Mount of Olives singing a hymn.

After this, he asked concerning one who takes a spiritual mother and daughter in wedlock. This must not be done. The sacred canons forbid it in all respects. In the canons of Zachary it is held: *Let no one use a presbyteress, deaconess, nun, or even a spiritual godmother or spiritual daughter.* Whoever has committed such an act, let him know that he is bound by the bond of anathema and condemned by the judgement of God, and alienated from the sacred body and blood of our Lord Jesus Christ. Whoever presumes to offer him communion shall be condemned and deprived of the honour of his priesthood.

Next, Gerard lamented an excessively mournful matter, that the priests of the Lord publicly take wives, even though their sons may be able to be promoted.

This crime, because all sacred Scripture contradicts it, and because the holy and venerable Nicene Council forbids priests to presume to live with women, much less to be joined or associated with them, we prohibit in every way according to the sacred canons. For in the Neocaesarean Council it is held (Canon I): "If a presbyter has taken a wife, let him be deposed from the order. And those found in such a crime, by our apostolic authority, let them be deprived of all honour."

The sons, however, are free from their parents' sin, as the prophet says: *The son shall not bear the iniquity of the father* (Ezech. XVIII), and in holy baptism all sins are forgiven.

Next, Gerard inquired whether they ought to be consecrated by a chorbishop, or by an ordinary presbyter, or whether the anointing with chrism and the imposition of hands should be performed. All these things we forbid the chorbishops from performing according to the decrees of the canons. In the Council of Antioch, chapter ten, it is held: "Those who are named in the villages and possessions of the chorbishops, although they have received the imposition of hands from the bishops, yet it has pleased the holy synod that they recognise their proper method and govern the churches subject to them, and also ordain readers and subdeacons and exorcists. These promotions shall suffice for them, and they shall not dare to ordain a presbyter or deacon. And whoever shall attempt to transgress the statutes, having been deposed, shall be deprived of the honour he enjoyed."

He also inquired whether a man and woman, joined in the third or fourth degree of consanguinity, and unaware joined in marriage, and afterwards, moved by the regard of God, confess their sins secretly to a priest, whether they may be purified by the giving of alms and the performance of good works.

Concerning such persons, many examples are found in the Old and New Testament, especially in the councils of Gregory and Zachary, so that no one may presume to marry a cousin, stepmother, niece, brother's wife, daughter-in-law, or even of their own kin, or that of a kinsman. If anyone indeed has entered into such a wicked marriage, and remained in it, let him know that he is bound by the bond of anathema by apostolic authority, and no priest shall give him communion. If he has been separated from the illicit union, let him submit to penance, as the priest of the place shall determine.

Concerning the ravagers of churches, on which Gerard inquired, we write nothing else except what the Apostle Paul wrote to Timothy: *Rebuke, exhort, and command with all authority* (II Tim. IV).

Having set forth all these matters, we admonish Your Fraternity, by this our apostolic command, that you be obedient and helpful in all things pertaining to the ecclesiastical order. To Gerard, archbishop, we have entrusted our authority in all your territories, so that, persisting in unity, ecclesiastical rights and the religion of Christianity in your regions (which appear corrupted and depraved by the incursion of pagans and the persecution of wicked Christians) may, by the grace of God and the cooperation of blessed Peter the Prince of the Apostles, be reformed according to the standard of righteousness. Thus, you may in the future hear the voice of the Lord saying: *Well done, good and faithful servant, because you have been faithful over a few things, I will set you over many: enter into the joy of your Lord* (Matt. XXV).

Besides this, we enjoin Eberhard, Duke of the Bavarians, by our authority, that he render all assistance to the aforesaid Archbishop Gerard, so that the status, rectitude, and proper vigour of his Church may, through his help, reach fully the summit of its ancient beauty, if by the indulgence of God, and also of St Peter, he wishes to receive the remission of his own offences from us.

H.XVIII.

Pope Leo VII confirms to the monastery of Déols, under Abbot Odo, the possessions and rights mentioned.[197][198]

(Year 938)

[197] For the addition of this letter to the corpus, see the Translator's Note.
[198] For a follow-up to this letter, see I.II.

[Zimmermann, *Papsturkunden*, vol.I., p.138.]

Leo the bishop, servant of the servants of God, to Odo, the religious abbot of the monastery of Déols, built in honour of the holy Mother of God Mary and of the blessed princes of the apostles Peter and Paul, and to your successors in perpetuity.

To apostolic governance the care of the whole Church has been entrusted, and therefore, whoever by divine dispensation succeeds to the holy Roman See must, wherever possible, provide for the welfare of the same Church. Suppressing and restraining by apostolic authority whatever is adverse, and helping and sustaining what is advantageous. Thus we carry out the office enjoined upon us, and trust that we shall obtain reward from God, the giver of all good things, and protection from the saints.

Wherefore we decree that the aforesaid monastery, built by Ebbo, a venerable man of pious memory, shall be free from every domination of any person whatsoever, whether king or bishop or the sons or relatives of that same Ebbo, just as it was established by the authority of a privilege by our predecessor. All the goods the monks either now have or shall afterwards have been bestowed there, they shall possess without any contradiction.

Likewise, we confirm to the same aforesaid place the cell of Vodillon with its appurtenances, granted by the noble man Gerard; for although Gerard had previously made a testament in favour of another church, he did not hand it over for possession to that church, as he did in later times (to Déols). Roman law commands that if someone makes a testament concerning one thing in favour of two persons, first to one, and afterwards to another, it is not to be asked to whom he made it earlier or later, even if one is a relative. He shall claim the property who was, after the making of the testament, delivered the thing itself for possession.

Therefore, considering this, we confirm by our apostolic authority those goods lawfully granted to the same monastery. Likewise, we assign the chapel built by the religious Bretons next to the castle after their departure.

Let the monastery in the same way claim all the goods belonging to it, as we have already said, so that they are subjected to no one's authority except the Roman See, as is contained in the testament of the aforesaid Ebbo. And let them appoint an abbot, living in common and according to the rule, without anyone's contradiction, either from among themselves, whether with you or after you, or certainly, by sounder counsel, from any other monastery.

But if anyone, through a bribe or empty glory, even with the monks consenting (God forbid) shall attempt to intrude, we prohibit such a one as a thief and a robber by apostolic interdiction. Rather, we order that he be chosen by those persons to whom blessed Benedict has granted authority in this matter. That is, he is one who strives to govern well the house of God, and who fully preserves the customs established by his predecessors both in divine observances and in human matters. Thus, as has been said, he may live in common and strive, as far as he is able, to be more useful to the brethren than to rule over them.

Whoever shall prove help to the aforesaid monastery in increasing its goods or its religious life, may they merit to have Christ the Lord and His holy Mother and the blessed princes of the apostles as their helpers.

Whoever rash or bold shall presume to injure or usurp the monastery or the brothers or any goods belonging to them, we bind them by apostolic authority – granted to us by God – under the bond of anathema until the day of judgement, unless they repent.

To those who observe these things, may the grace and peace of Christ be multiplied.

Written by the hand of Theodore, notary and *scriniarius* [scribe/archivist] of the Holy Roman Church, in the month of January, in the eleventh indiction [A.D. 938].

H.XIX.

Pope Leo VII confirms to the monastery of Gorze, under Abbot Einold, the monastery's possessions. He guarantees the right of free abbatial election.[199]

(Year 938)

[Zimmermann, *Papsturkunden*, vol. I., p.148.]

Leo, bishop, servant of the servants of God, to Einold, the venerable abbot of the monastery of Gorze, built in honour of the blessed apostles Peter and Paul and of the eminent martyr Gorgonius, and through you to your successors in perpetuity.

It is fitting for apostolic authority to bear the solicitude for all churches. Just as the holy Roman See, through blessed Peter, is the head and chief of the others, so it should impart help to any of them, as to its own limbs, wherever they have need.

Gladly receiving that which you ask of us, dearest son, we confirm by this privilege of apostolic authority to you and to your successors and to the whole brotherhood the aforesaid monastery with all goods belonging to it. Also whatever our son Adalbero, bishop of the holy Church of Metz, granted to that place from his own jurisdiction with kindly goodwill. The testament which fellow-bishop and our son, the aforesaid Adalbero, made for you long ago shall remain firm and unshaken. Neither his successors nor any person whatsoever may presume to disturb or usurp the aforesaid goods or anything that pertains to your jurisdiction.

After your departure, moreover, let the monks have the liberty, either from among themselves or from another monastery, to choose as abbot whatever person they find suited to their welfare, without the contradiction of anyone, whether bishop or of any other rank.

[199] For the addition of this letter to the corpus, see the Translator's Note.

Indeed, we show favour in the Lord to Adalbero, who handed over that place to you for the restoration of the monastic order, together with all religious princes or any other Christian persons who has helped the place or the brothers. We desire that they may merit to be aided by the holy princes of the apostles and, insofar as divine mercy shall grant, to be absolved.

And on the contrary, if anyone shall be so pernicious as to disturb that brotherhood or anything whatsoever that pertains to them, we bind and excommunicate such a one under the bond of anathema, unless he repents unto satisfaction.

In order that this authority be held more firmly and may endure inviolate in future days, we cause our seal to be affixed to this bull, and for it to be confirmed by our own hand.

Written by the hand of Leo, *scriniarius* [scribe/archivist] of the Holy Roman Church, in the month of June, *Anno Domini* 938, in the eleventh indiction,[200] epact seventeen,[201] concurrent seven,[202] in the third year of Otto the king.[203]

Farewell.

H.XX. *

Pope Leo VII confirms to Bishop Anselm of Orléans, in accordance with his request, the possessions and rights of his diocese.[204]

(Year 938)

[Zimmermann, *Papsturkunden*, vol. I., p.143.]

[200] The eleventh indiction ran from 24th September, 937 to 23rd September, 938.
[201] Age of the moon on 1st January.
[202] The weekday of 24th March in the Julian calendar.
[203] Otto was German King from 936. He would become Holy Roman Emperor in February 962.
[204] For the addition of this letter to the corpus, see the Translator's Note above.

Leo, bishop, servant of the servants of God, to Anselm, the religious prelate of the holy mother church of Orléans, dedicated in honour of the Holy Cross, and to his successors in perpetuity.

It is fitting to apostolic governance to assist those abounding in holy religion with kindly compassion, and to grant assent with eager devotion to those who ask. From this we trust to obtain reward with God, the maker of all things, when venerable places have been restored to a better condition with our help.

In this we ought to have every diligence. By the demands of our sins the order of things has been greatly disturbed, so we must take care to support it, insofar as we can, God granting.

Therefore, let the holy and universal church, and both our contemporaries and our successors, know that the venerable man Anselm, bishop of the aforesaid city, approaching our serenity, presented to us documents of authority of our predecessors, apostolic men of this holy Roman See. The documents confirmed to him all the possessions of his church perpetually. He asked and humbly beseeched that we, following the custom of the preceding fathers, should strengthen by a like privilege of our authority those same possessions, which had been assigned by the cultivators of the holy faith under testamentary donations, and promulgated by the testamentary sanction of the kings of the Franks, and formerly decreed by our predecessors with apostolic authority.

This kindly petition of liberality we receive with gratuitous favour. Considering it valid we have decreed to act accordingly.

The possessions which that church at present holds: the monastery of St Evurrius, the monastery of St Liphard with the properties which belong from the abbey in Ponthieu and in the Mâconnais district and in Provence: in Ponthieu the estate Rahis with all the properties belonging to it; the monastery of St Maximus of monks; likewise the chapel of St Maximinus

near the wall; the monastery of St Peter of the men; the monastery of St Peter of the women; the monastery of the Holy Cross of Gargogil; the monastery of St Avitus; the chapel of St Privatus; the cell of St Peter of Tauriacum; of St Saturninus; of St Mary of Drauiacum; likewise of St Mary of Fabricata; of St John; of St Marcellus; of St Martin of Creuensis; of St Martin which is near the wall of that same city; of St Lawrence; of St Gervasius; the well of St Sigismund; of St Vincent; of St Sergius; of Bucum Monastery; Bellus Campus; Screona; Marogilum; Prisciniacum, with all the properties belonging to the aforesaid monasteries and cells.

There are also these estates: Silviniacus, Petuerius, Bullus, Maciacus, Rofiacus, Connonus, Castellanus, Veteres Mansiones and Novavilla, Liminiacus, Buxiacus, Nemaus, Cacionus, Cambonus, Gauerdonus, and the allod which Charles the most serene emperor gave to Theodrad as his own, and which Theodrad granted to the church, together with the properties with their appurtenances which Deotimus and Agius and other faithful of God granted to the same church.

The properties which the venerable Anselm, bishop, received from King Rudolf, and assigned in stipends to the monks of the same church: Clepiacus, Trienaus, Lauriacus with all things belonging to them.

The properties which the aforesaid Emperor Charles restored to the same church and afterwards the glorious King Louis confirmed by his decree: Basilicas, Vimetus, Perpetiacus, Geuenoilus, Maroilus, Lidiacus, Cadonnus with the estates belonging to them; Buxerola, Vienna, Limoglio, Silviniaco, together with other things and properties belonging to those same estates.

The properties also which King Carloman restored to the same church: in the territory of Bourges the estate called Caltesius and another called Marsiacus, in the territory of Nevers belonging to the same Caltesius, namely Pauliacum, with all things situated far and wide or

nearby pertaining to the aforesaid estates, and the households of both sexes; in the territory of Blois the estate called Curtis with all things pertaining to it.

Therefore the aforesaid cells, monasteries, and estates with their rents and tithes, which the church receives from the county, and from other estates in benefice, or other things with all properties and appurtenances belonging to it, which the church at present by right and law holds, we by our authority in the apostolic manner confirm anew. By this immunity of the Apostolic See the aforesaid prelate and future prelates of the church may in all things and in all necessary cases make use of it, defend it, and have from it, and from other things freely granted by the faithful of God for the church to enjoy.

Meanwhile the venerable prelate of the church of Orléans offered to our view the immunity of kings and indeed emperors. The kings of the Franks had caused the mother church, over which by God's aid the venerable bishop presided, to stand under their own protection and devotion. The same church had hitherto been fortified and defended by their immunity of authority against the disturbances of judicial power.

For the firmness of the matter, however, the venerable bishop requested of us that, following the custom of the holy fathers, we should decree a privilege of immunity for the same church.

To those petitions we again willingly assent. Confirming the deeds of the holy fathers, we decree that this privilege of immunity should be made for that holy See, under the interdict of an apostolic constitution, for the love of divine worship and for the stability of holy religion.

No public judge or anyone of judicial power, whether of the present time or of the future, shall dare to enter churches or places or other possessions which the said church justly and lawfully holds in whatever districts or territories, nor into those things which afterwards shall have been granted by Catholics to the same church, in order to hear causes or to exact

fines or tolls or customs, or to establish mansions or stations, or to remove sureties or to distress the men of the said church, whether free or servile, dwelling upon its land, or to undertake other seizures or unlawful incursions in our time and in future times. Nor shall they presume to exact those things which are above mentioned.

But it shall be permitted to the prelate and his successors to possess the aforesaid possessions of the church, with the monasteries, cells, estates subject to it, and all things or men belonging to or pertaining to it, together with toll rights and the Parisian gate (*porta Parysiaca*), as contained in the precepts of the kings of the Franks. Also rents and tithes from whatever places or districts belong to it.

With the defence of our immunity removing all disturbances of judicial power, the prelate and his successors are to hold these things in quiet and free order, and for our preservation and indeed for the stability of the whole realm and of this Roman See entrusted to us by God. By His deepest mercy they are to preserve these things for all time, together with the clergy and people subject to it, to earn the endless mercy of God.

And whatever of the aforesaid things the right of the fisc could demand, we grant entirely to the same church. For all time in that place there shall be to those who serve God in doing His service an increase and a supplement.

Our times are perilous, coming to the end of the ages. Many abound in iniquity, while charity grows cold. It has pleased us to establish and ordain this prerogative of authority for the clergy and people of the mother church. The violence of secular power may not inflict any force upon them in the succession of prelates – not for any cause of kinship, nor for the sake of base gain, nor for the arrogance of rashness. Whomever even the smallest part prefer, by sounder counsel according to God, for the merit of life and wise doctrine, whether from their own province or from elsewhere, that one so chosen shall sit in the pontifical chair. No judicial power shall oppose it.

Under the obligation of anathema, by that authority which our Lord Jesus Christ committed to the church in blessed Peter, Prince of the Apostles, we excommunicate and interdict, and we decree that such privilege by apostolic interdict shall remain forever in the same See. No one, for any cause of obtaining the pontificate, or anyone, for the sake of the gift of honour, or acquisition pertaining to private advantage, may dare to give, alienate, or transfer to another the things pertaining to the same holy mother church. That is, churches, estates, or other possessions, which it holds under its own dominion or may acquire. Nor may any secular power, exercising the rash desire of tyranny, presume to invade the same or to claim them for its own uses.

Seeing also the reverence of this great man and the abundant modesty of his innate kindness, we grant to the petitioner this hand of authority. Whatever he may by writing grant to the congregations of his own See or to monasteries, shall through the times of his successors remain unshaken and not be violated by anyone.

It also pleases us to insert into this privilege the following.

If anyone, through the course of past years up to this time, has taken away anything from the possessions or holdings of the church by any wicked or perverse device, or under any impending persecution, or by delay or negligence, or if anyone through any evil device has withdrawn himself from the church's service and stolen possessions by flight, and if this can be proven by the prelate or his successors, together with their advocates and suitable witnesses, then by this testament the church itself shall recover intact whatever was its own without contradiction or interruption.

So that all these things may be held more firmly: whoever shall be executors of our authority (which we have established for that holy mother church), and its helpers in good, we absolve as far as the power granted to us by God through blessed Peter.

But those who shall have been contrary in any way, unless they repent, we bind under the bond of anathema until the day of the Lord.

Peace and grace of Christ be multiplied to those who observe.

Written by the hand of Theodore, notary and subdeacon of the holy Roman Church, in the month of January, the eleventh indiction [A.D. 938].[205]

Farewell!

Given on the fifth day before the Ides of January [9th January] by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the third year[206] of the pontificate of our lord Leo VII,[207] universal pope, in the most sacred See of blessed Peter the apostle, in the month and eleventh indiction.

H.XXI. *

Pope Leo VII discusses penalties for violating the possessions of St Martin in Trier.[208]

(Year 938-939)

[Zimmermann, *Papsturkunden*, vol. I., p.154.]

Leo the bishop, servant of the servants of God, to the most beloved brothers and sons, the archbishops and their suffragans, the abbots, and the congregations of monks dwelling in Francia, eternal greeting.

It has been indicated to us, dearest sons, that in your regions the perversity of evil men has increased, such that they wish to turn your goods to their own depraved uses.

[205] The eleventh indiction ran from 24th September, 937 to 23rd September, 938.
[206] January 938 would be the start of the third year of Leo VII's papacy, which began in January 936.
[207] Again, *sexti* is scribal error. This document refers to Leo VII.
[208] For the addition of this letter to the corpus, see the Translator's Note above.

Wherefore, by the authority of God the Father Almighty and of His Son, our Lord Jesus Christ, and of the Holy Spirit, and of the blessed apostle Peter, and likewise of Mary, the Mother of the Lord, and through the blessed angels and apostles, martyrs, confessors, and virgins, we excommunicate and curse those who unjustly invade the possessions of the servants of St Martin and whatever pertains to them. May their portion be with Dathan and Abiram, whom the earth swallowed alive for their pride, and with Judas the traitor, who sold the Lord for a price. Amen!

May their sons become orphans and their wives widows. May their sons be tossed about and beg. May they be cast out from their dwellings. May the money-lender search out all their substance, and strangers plunder their labours. As all those who said, "Let us possess by inheritance the sanctuary of God," my God, set them as a wheel and like straw before the face of the wind. Amen!

As fire that burns a forest, and as a flame burning mountains, so pursue them in thy tempest, and fill their faces with shame, so that they may blush and be confounded and perish. Amen! May those curses which the Lord proclaimed through Moses upon the children of Israel be upon those who plunder the goods and estates of St Martin; and may they be accursed in the city, accursed in the field, and in every place. Amen!

Accursed be their storehouses, accursed the fruit of their womb, accursed all things that are theirs, and accursed in their going out and in their coming in. Amen!

May the Lord quickly scatter them from the earth; may the Lord strike them with hunger and thirst, poverty, cold and fever, until they perish. Amen! May the Lord deliver them, falling before their enemies, and may their corpses be food for all the birds of the sky and the beasts of the field.

May the Lord strike them with a most evil sore, also with scabies and itch, madness and blindness. Amen! And they shall grope at midday as a blind man gropes in darkness.

Amen! And just as the Lord gave to the blessed apostle Peter and his successors – whose place we hold, though unworthy – the power that whatever they bind on earth shall be bound also in heaven, and whatever they loose on earth shall be loosed also in heaven, if these violators will not amend, we shut the heaven and refuse the earth for burying them. Let them be plunged into the lower hell and render what they have done without end. Amen!

If they come to penance and amendment and, according to the measure of their fault, render fruits worthy of penance, may God avert these evils. We are ready to receive and to ordain for them. But if they will not come to amendment, may they be struck with perpetual anathema, so they do not enter the church of God, have no peace with Christians nor make any participation. Let them not receive the Body and Blood of the Lord even on the day of death, but delivered to eternal oblivion be made as dust before the face of the wind, and be delivered with the devil and his angels to perpetual fires. And as this lamp is extinguished, so may their souls be extinguished in the stench of hell.

Amen!

H.XXII. *

Pope Leo VII imposes penalties for disturbance of the possessions of the monastery of St John the Evangelist.[209][210]

(Year 938-939)

[Zimmermann, *Papsturkunden*, vol. I., p.156.]

[209] Zimmermann titles this letter as an excommunication for disturbing the possessions of the monastery of St Maximin in Trier. However, the actual text of the letter refers to a monastery of St John the Evangelist.
[210] For the addition of this letter to the corpus, see the Translator's Note above.

Leo the bishop, servant of the servants of God, to the most beloved brothers and sons, the archbishops and their suffragans, the abbots, and the congregations of monks dwelling in Francia, perpetual greeting.

It has been indicated to us, dearest brothers, that in your regions the perversity of evil men has increased, such that they wish to turn your goods to their own depraved uses.

Wherefore, by the authority of God the Father Almighty and of His Son, our Lord Jesus Christ, and of the Holy Spirit, and by the office of the blessed apostle Peter, and likewise of the blessed Mary, the Mother of the Lord, through the blessed apostles, martyrs, confessors, virgins, we excommunicate and curse those who invade the possessions of the servants of St John the Evangelist and whatever pertains to them. May their portion be with Dathan and Abiram, whom the earth swallowed up for their pride, and with Judas the traitor, who sold the Lord for a price. Amen!

May their sons become orphans and their wives widows. May their sons be tossed about and beg. May they be cast out from their dwellings. May the money-lender search out all their substance, and strangers plunder their labours. As all those who said, “Let us possess by inheritance the sanctuary of God,” my God, set them as a wheel and like straw before the face of the wind.

As the fire which burns the forest, so pursue them in thy tempest, and fill their faces with shame, so that they may blush and be confounded and perish. Amen!

May those curses which the Lord pronounced upon the children of Israel through Moses be upon those who plunder the goods of St John the Evangelist. May they be accursed in the city, accursed in the field, and in every place. Amen!

Accursed be their storehouses, accursed the fruit of their womb and the fruits of their land. Amen! Accursed be all things that are theirs.

H.XXIII.

Pope Leo VII grants the monastery of Subiaco the right to request ordinations from any bishop whatsoever.[211]

(Year 939)

[Zimmermann, *Papsturkunden*, vol. I, p.164.]

…whomever he wishes, ask by our authority and of our successors, and let our authority give assent to your petition.

But if (which we do not believe) any bishop presumes to do anything against this decree, which our apostolic authority has confirmed, he shall not evade the censure of ecclesiastical discipline according to the rule of the holy fathers.

May you always remain safe and untroubled in the praises of God, without disturbance or vexation from anyone, under our apostolic protection and that of our successors forever.

Written by the hand of Leo, *scriniarius* [scribe/archivist] of the Holy Roman Church, in the month of May, in the twelfth indiction [A.D. 939].[212]

Farewell!

Given on the fourth day before the Kalends of June [29th May], by the hand of Benedict, bishop of the church of St Silvia Candida and librarian of the Holy Apostolic See, in the fourth year (God being favourable) of the pontificate of our lord Leo VII,[213] supreme pontiff and universal pope, in the most holy seat of the blessed apostle Peter, in the month of May, in the indiction above written, the twelfth [A.D. 939].

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[211] For the addition of this letter to the corpus, see the Translator's Note.
[212] The twelfth indiction ran from 24th September, 938 to 23rd September, 939.
[213] *Sexti* is a scribal error. The Pope Leo referred to is Leo VII.

H.XXIV.

Pope Leo VII grants to the monastery of Subiaco under Abbot Leo III the possessions mentioned.[214]

(Year 939)

[Zimmermann, *Papsturkunden*, vol. I., p.162,]

Leo, bishop, servant of the servants of God, to beloved son Leo, religious abbot of the venerable monastery of St Benedict, situated in Subiaco. To your holy community and to your successors within the monastery in perpetuity.

The care of all the churches of God and of holy places presses upon us with great solicitude, so that they may not suffer any loss, but rather may obtain the stipends of their proper advantage. Therefore it is fitting for us, with the full integrity of pastoral mind, to provide for the integrity of those venerable places, and to confer upon them aid. That which we have conferred upon those venerable places for the honour of His holy name and for His praise and glory may be acceptable to Almighty God, and thus we may be offered in the heavenly heights His most abundant mercy as worthy recompense for such pious work.

You have requested that we grant to you and to your venerable monastery in perpetuity, for the restoration of that holy place and for the sustenance of the monks who serve almighty God, the estate called Iubenzana and Intermurana, in its entirety, with the estates and cottages belonging to that estate.

Namely, the estate Torpelianus in its entirety, and the estate Ampollonianus in its entirety, the estate Cispa and the estate Romanus in their entirety, the estate Capra Molentem in its entirety, the estate Castaneola in its entirety, the estate Buberanus in its entirety, the estate Trellanus in its entirety, and the estates and colonies near St Valerius, except for the

[214] For the addition of this letter to the corpus, see the Translator's Note.

portion the episcopate of the Tiburtine church holds by a charter in the aforesaid estate Trellanus or in St Valerius. Likewise the estate called Colle Detineanus in its entirety, the estate Farbeccianus in its entirety, the estate Tostinae in its entirety, the estate Matenianus in its entirety, the estate Toccianellus in its entirety, the estate Flumicellus in its entirety, just as it extends from right and from left from mountain to mountain, the estate Semenarium in its entirety, the estate Marana in its entirety, the estate Bulzeanus in its entirety, the estate Cantoranus in its entirety, the estate Marcianellus in its entirety, the estate Caprola in its entirety, the estate Sculcula in its entirety, or by whatever other names they are called, situated in the territory of Tibur and Subiaco or Afile, twenty-four miles more or less from the city of Rome, extending as far as the fortieth mile, with everything generally and in full belonging to that estate and among the boundaries: on one side the cottage called Zizinni, and on the second side the river Tiber, and on the third side the mountain called Vulturella, and on the fourth side the land and forest of the bishopric of Tibur, and on the fifth side the mountain called Crufo, or whatever other boundaries there are in each place – all of these belonging to the right of the holy Roman Church, which by God's authority we serve.

Inclined by your prayers, by the tenor of this apostolic privilege, for the honour of almighty God and of St Benedict and for the sustenance of the monastery, we grant and confirm to you and your successors from the present twelfth indiction [A.D. 939] and in perpetuity the aforesaid estate with all its immovable places, except for the portion which the episcopate of the Tiburtine church holds in the aforesaid estate Trellanus or in St Valerius, and with everything belonging to them, to be held for the use and benefit of that monastery.

On feast days the priests and monks of that monastery shall cry out in the same church one hundred *Kyrie eleison* and one hundred *Christe eleison* for the remedy of our soul and of the souls of our successors, and the priests shall offer the sacred offerings in the solemnities

of the masses three times each week for the absolution of our soul and of the souls of our pontifical successors to almighty Lord God.

Decreeing with apostolic censure, under the adjuration of the divine judgement and the interdiction of anathema, none of our successor pontiffs, nor those who exercise public administration, nor any person whatsoever, great or small, may presume to act concerning the aforesaid estate with all its appurtenances or adjacencies, or to alienate or remove it, contrary to our pontifical privilege. We decree that it shall remain firm for perpetual and everlasting times, just as it has been established by us.

But if anyone (which we do not wish) shall violate our apostolic privilege and refuse to be obedient and observant, let him know that by the authority of almighty God and of our lord Peter, Prince of the Apostles, whose office we exercise by God's favour, though unworthily, he is bound by the chain of anathema and excluded from the kingdom of God.

But whoever, with pious regard, is a guardian and observer of our apostolic privilege, by the merits and prayers of the blessed Peter, Prince of the Apostles, and of St Benedict, may merit to obtain in the heavenly heights the rewards and grace of blessing and the mercy of our Lord God, the just judge, and life everlasting.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of May and in the above-named twelfth indiction [A.D. 939].[215]

Farewell!

Given on the sixth day before the Kalends of June [27th May] by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the fourth year, by God's favour, of the pontificate of our lord Leo VII,[216] supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter; in the aforesaid month and indiction, the twelfth.

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[215] The twelfth indiction ran from 24th September, 938 to 23rd September, 939.
[216] *Sexti* is a scribal error. The Leo in question is Leo VII, not Leo VI.

I. Stephen VIII (939-942)

I.I.

The Privilege of Pope Stephen VIII for the Monastery of Tollense.

(Year 939)

[Cocquelines, *Bullarium pontificium romanum amplissima* collection. Augmented by Zimmermann, *Papsturkunden*, vol.I., p.165.]

The Monastery of Tollense in the diocese of Piacenza is received under the protection of the Apostolic See, and is declared to be entirely subject to the abbot alone.

Stephen, bishop, servant of the servants of God, to Aribert, the reverend abbot of the monastery of Tollense, which blessed Tobias is said to have built in honour of the Lord Saviour and of blessed Peter, Prince of the Apostles, and through you to your successors forever.

We are taught by the example of pious Fathers that we ought to be of service to the churches, for the love of Christ – who willed that all the churches of the whole world be subject to the ministry of our office. This necessity compels us to bring aid, when certain of our monasteries, established in honour of the Lord Saviour or of blessed Peter the Apostle, have by the negligence of certain princes unjustly fallen into the dominion of secular men. Certain bishops, contrary to the decrees, laws, and rights of our predecessors, have wholly violated their responsibilities.

Just as you, venerable abbot Aribert, request from us, through this privilege of apostolic authority, we decree that the monastery of Tollense, and all the goods belonging to it on every side, as is just, with the power of all margraves, counts, or secular men, and of

bishops removed, shall hereafter and forever remain under your authority, so long as you shall live, and afterwards under the right of your successors or of the monks.

None of those things granted by our predecessors or by the kings of the Italian realm shall be in any way diminished, by whatever occasion or under the title of any writing, in regards either to the goods or to the liberty of that place itself. By the authority of the holy Roman Church we forbid the bishops, namely of the Churches of Ticinum, Piacenza, Parma, and Reggio, in whose dioceses the monastery or its goods appear to lie, and likewise all others near and far, to take anything from there as if by their own right. Nor to claim for themselves the baptismal churches or their tithes which you formerly held.

As to the consecrations of churches, or whatever pertains to sacred ministries, let it be done by whatever bishop you or your successors shall wish to request; do not cease to beseech the Lord on behalf of our safety, that of this most excellent emperor, and of the whole Church.

If (which we do not wish) the monks in that monastery should exist tepid in the love of God or transgress your rule, we ordain that they be corrected by you and your successors. But if you or your successors be guilty of the fault of some evil opinion, we decree that you be heard and lawfully corrected at the Apostolic See, under whose jurisdiction your monastery is established.

If perchance anyone shall presume to diminish or alter this precept of our authority, or the laws or decrees of our ancient predecessors, let him be utterly frustrated. First let him be deprived of the rank of his order, and punished with the vengeance of anathema. Let him have his portion with Judas the traitor at the end of the Last Judgement. By the authority which blessed Peter merited in heaven and on earth of binding and loosing, let him be deprived of the power and participation of the body and blood of our Lord Jesus Christ, and of our fellowship, unless he comes to his senses.

The things that have been established shall remain by perpetual determination, and the violators of the present decree may be subject, because of their rashness, to multiple penalties.

Written by the hand of Peter, *archiscriniarius* of the holy Roman Church, in the month of October, in the thirteenth indiction.[217]

I.II

Pope Stephen VIII admonishes Archbishop Gerontius of Bourges on behalf of the monastery of Déols, on the basis of a complaint by Abbot Odo, concerning the dispute over the possession of Vouillon – already decided by Leo VII.[218][219]

(Year 940-942)

[Zimmermann, *Papsturkunden*, vol. I., p.167.]

Stephen, bishop, servant of the servants of God, to Hieruncus,[220] our suffragan, Archbishop of Bourges, and to your successors in perpetuity.

Your prudence, venerable brother, which we have learned to be present in you through our son Abbot Odo, does not, as I believe, ignore the reason bishops have been appointed by divine authority. Namely that they may show to their subjects an example of patience and of the other virtues; and if the authority of religion is perhaps despised among secular people, it ought at least among spiritual persons to retain its own right, according to the prophetic saying: *'If you play the harlot, O Israel, do not let Judah at least offend.'*

Therefore, I am astonished, brother, that between you and certain brothers of monastic profession there appears to be wrongdoing and strife. For charity itself ought to make them

[217] The thirteenth indiction would be October 939.
[218] For the addition of this letter to the corpus, see the Translator's Note.
[219] See H.XVIII.
[220] The Archbishop of Bourges at this time was Gerontius (910-948).

precious to us, in whom some spark of the regular purpose seems still to remain; and they, who almost alone in your diocese lead a common life, ought to be comforted by you as by a father, and you ought to hold them as sons.

But now, I do not know why, you are contending with them over a certain property, and what could have been settled legally you exact by force of excommunication.

That place was handed over by its founders to the Apostolic See for protection; for which reason it is necessary that – so far as right permits – we strive to show favour to it.

Having examined the matter of the dispute, we have learned that a certain man gave the aforesaid property to your See by testament, but did not in fact deliver it for possession. He afterwards both gave and delivered that same property to the monks for possession, and was their guarantor before princes.

But if this is not enough for you, then have recourse (although it would not be fitting among spiritual men) to the authority of Roman law. Observe what that law decides concerning two parties to whom one thing has been delivered.

Otherwise, I ask you, brother, that you in no way inflict prejudice under excommunication upon that place or upon the brothers committed to us. Trusting in your goodness and obedience, I humbly warn and ask you. Furthermore, concerning this matter, the authority of a privilege by our predecessor, Pope Leo [VII] of holy memory, has already been established under the obligation of excommunication and anathema. We also, through the name of the holy princes of the apostles Peter and Paul, confirm it fully.

We rather ask that that fraternity may feel that the support of your fatherhood is present whenever they are in need, for the love of the holy Mother of God and of the aforesaid apostles, and because of your humble subjection. Lest perhaps, God forbid, being injured, they approach our See, and we may be compelled to do that which we do not wish for their defence.

Farewell, brother, and fulfil gladly what we say out of reverence for the Apostolic See!

But if, which God forbid, you should wish to shut up the monks not by legal judgement but by the force of excommunication, we decree that they are in every way absolved.

I.III. *

Pope Stephen VIII confirms to the monastery of San Faustino (in Brescia) possessions and rights.[221]

(Year 940-942)

[Zimmermann, *Papsturkunden*, vol. I., p.168.]

In the name of the holy and undivided Trinity!

I, Stephen, servant of the servants of God, together with the most reverend archbishops, bishops, abbots, and other faithful of the holy Catholic Church sitting in sacred synod, and also with the judges and doctors of the law, the kings – our spiritual son Berengar and his son Adalbert – intervening, at the prayers of lord Notengus, bishop of Brescia, with our sons the kings beseeching, by our grant and that of the whole sacred synod, have conceded to the monastery of the holy martyrs Faustinus and Jovita. We confirm this in perpetuity and for all who shall succeed them in the kingdom; and for the knowledge of many we grant the investiture of the abbacy into the care of the brothers. We spiritually confirm this by our authority.

Wherefore we confirm in perpetuity, by our spiritual grant and that of all our aforesaid archbishops, bishops, and religious abbots, those things in the aforesaid imperial constitutions

[221] For the addition of this letter to the corpus, see the Translator's Note.

or precepts, all in their entirety; and being established by law. We wish them to remain valid and fixed, and we decree that they remain inviolate forever by all kings and highest pontiffs, patriarchs, archbishops, metropolitans, bishops, abbots, or by any cleric of our order.

And all those things named above we grant by our synodal grant or by the harmonious grant of Notingus, bishop of the holy Brescian church: the tithes, first-fruits, and all things belonging now to their churches, and also those which with God's help shall come to be acquired in the future, as well as all other services whatsoever – unless, having been compelled voluntarily, they were bound to pay a pound of silver to the synod and to the aforesaid bishop of the Brescian church.

If anyone shall attempt anything against this apostolic and synodal authority and grant, or shall resist that which we have said above – of whatever rank or order or office or dignity or lineage he may be – let him know he will fall into the wrath of blessed Peter, Prince of the Apostles, and of all the saints, and into ours and our predecessors', and that he will be condemned by the bond of perpetual anathema and shall live under the excommunication of the universal Church and of all the Christian people. Moreover, unless he repents of evil, let him be punished with irrevocable exile or be struck with the ultimate penalties, and let his goods be confiscated.

But he who out of pious regard shall have been a guardian and observer of all these things, may he deserve to have the grace of blessing and eternal life with all the saints without end, unto the ages of ages.

Amen.

Let it be done.

In these acts were present archbishops, bishops, abbots, Roman judges and judges from neighbouring and distant cities:

The lord Berengar and Adelbert, his son, and Notingus, bishop of Brescia, were present, at whose urging we confirm the aforesaid matters.

Citonatus, archbishop of Cagliari, Eustachius of Albano, Gratiosius of Palestrina, Georgius, bishop of Porto, Deodatus of Ostia, Marcianus of Narni, Benedict of Tivoli, Berardus of Castro, John of Petrosino, Gregory of Orte, George, Valentinus of Amelia, Theodorus of Mileto, Savinus abbot of Planeta, Damianus abbot of Altilia, were present.

All these archbishops, bishops, abbots, and many other cardinals were present at these acts: Gregory the cardinal of *ad Vincula*, Benenatus the cardinal of St Cecilia, Andreas the priest of the Lateran patriarchate, Julian the priest of the Lateran, Faustinus the priest of St Peter, Marcus the priest of the Apostle St Peter.

All these cardinals were present at these acts. Faustinus, head of the senate, former consul and judge; Propinus, former consul and judge of the palace of Lucianus; Romanus of the Forum of Trajan; Paulus of the Temple of the Palace; and many others.

Given and confirmed on the sixth day before the Ides of June [8th June], in the Lateran patriarchate of the Lord Saviour.

Happily, amen, amen!

I, Gratian the notary, was present and at the order of lord Stephen the supreme pontiff wrote and delivered all the aforesaid.

I.IV.

The Privilege of Pope Stephen VIII for the Convent of St Mary of Buxières.

(Year 941)

[In Dom Calmet, *Histoire de Lorraine*, Proofs, column 350. Augmented by Zimmermann, *Papsturkunden*, vol.I., p.170.]

He confirms the privileges and possessions of the convent of Buxières, founded by Gauzelin, bishop of Toul.

Stephen, bishop, servant of the servants of God, to the most beloved daughter Rothild, abbess of the convent of the holy Mother of God Mary, situated in the episcopate of the Leuci [Toul], on the hill above the village called Buxières.

Almighty God has decreed to unite, and gather together, and order His Church, through the most glorious princes of the apostles, Peter and Paul. It is fitting that their successors, upon whom the same care has been laid, should bestow the defence of apostolic authority whenever opportunity demands. Although we are unworthy of so great an office, being solicitous for the salvation of all the faithful, we desire, as far as we are able, to fulfil it. Thus, when we come to render account, we may behold the Judge with confidence.

Learning through the venerable abbot Archembald with what zeal our sweetest brother, Gauzelin, bishop of the Leuci [Toul], strives to exalt his Church in all order of religion, we rejoice with motherly affection. We beseech the mercy of the Lord that it may prosper.

Wherefore, as Gauzelin himself has requested, we most willingly confirm, by the authority of the blessed apostle Peter and of ourselves, whatever he has determined should be observed concerning his monasteries after him.

Accordingly, we entrust to you, daughter Rothild, and to your successors, the convent of virgins which our dearest brother bishop built, with fitting offices, on the slope of the hill above the village called Buxières, dedicated in honour of the holy Mother of God Mary, together with the alms of all Christians, to be defended and governed and directed according to the rule of St. Benedict and the institutions of the holy Fathers. Thus, by living religiously, you may gain of souls for God, and discharge duly the canonical hours by day and by night.

That you may accomplish this with a cheerful spirit, we grant to you, with the consent of all the faithful of the holy Roman See, whatever the bishop gave. The church of St. Martin with all integrity, and whatever St. Stephen is known to possess in the same village. We also grant to you the church of Sasiriacum with all its appurtenances, and the allodium of Hersendis. We also grant to you the church which Bernard the *primicerius* gave to the aforesaid place in the village of Giruni in the county of Verdun, upon the river Meuse, and whatever belongs to it, and a certain vineyard which he gave on Mount Barrisnus, in the county of Toul. Also whatever has been given by the bishop in other places, or shall in any way be given by others, you may possess perpetually, without any contradiction.

Finally, we entreat the glorious piety of the aforesaid bishop, that since he knows not what will be after him, he may not grow cold in compassion toward that place. And we adjure also, by ineffable charity, all bishops, counts, abbots, and all citizens of that land, both present and future, that for the love of God they support the convent, and increase it with their gifts, and always keep inviolate our ordinance.

But whoever, of whatever order or rank, whatever person he may be, shall attempt to go against this privilege of apostolic institution, or shall oppress the convent by his presence, or injure its property, or not allow it to be at peace, we excommunicate him until the day of judgement. Whosoever shall have been the convent's helpers, these we decree to be absolved, so far as apostolic authority shall allow.

Moreover, each year there shall be paid to the bishop of the Leuci [Toul], at the Mass of the Purification of St. Mary [Candlemas; 2nd February] a candle of two pounds. And that which is written in this privilege may in the meantime be kept inviolate. We have ordered it to be confirmed beneath with our seal.

Farewell.

Written by the hand of Stephen, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of December, indiction fifteen.[222]

Given by the hand of Nicholas, *primicerius* of the Apostolic See, in the name of our Lord Jesus Christ, in the year, with God's favour, of the pontificate of our lord Stephen [VIII], supreme pontiff and universal pope, in the most Holy See of the blessed Peter, Prince of the Apostles, in the month of December, indiction fifteen.[223]

[222] The fifteenth indiction would be December 941.
[223] As in note 33.

J. Marinus II (942-946)

J.I.

The Privilege of Pope Marinus II for the Monastery of Vézelay

(Year 943.)

[From Acherius, *Spicilegium*, vol. II, p. 504.]

Marinus, bishop, servant of the servants of God, to Guy, religious abbot of the Vézelay monastery, and to the entire congregation of the same monastery, forever.

Whenever things are desired from us in accordance with reason, we must gladly grant them in spirit, and provide due support without delay to the requests of those petitioning.

You have requested from us that a privilege of the Apostolic See be granted to the monastery of Vézelay, over which you are deemed worthy to preside. This monastery was formerly constructed by the most noble and most Christian man Gerard, and by his wife Berta, in honour of the Lord and our Saviour Jesus Christ, and in veneration of the most blessed ever-virgin Mary, His mother, in the kingdom of Burgundy, in the district of Avalois. It was dedicated by the aforementioned founders to the blessed Peter, Prince of the Apostles, with pious devotion and by testament.

We have willingly decided, inclined by your prayers, to do this.

We establish and judge by apostolic authority, and by our apostolic privilege confirm, that no king or pontiff, abbot or count, or any person great or small, corrupted by the greed of avarice or deceived by diabolical suggestion, shall presume against your honour, O venerable Abbot Guy. Nor in any way to rise up against your life or inflict harm upon your honour, or to inflict invasions, robberies, or violences upon the possessions of the monastery granted and

confirmed to you and your predecessors by us and our predecessors in the privilege document.

If anyone should attempt violation of this, by the authority of God and St Peter and our apostolic authority, let him be separated from the body and blood of our Lord Jesus Christ and from entering the church, by excommunication.

We also add this chapter, that we may exclude avarice. No king, bishop, priest, or any faithful person, in person or by proxy, shall presume to receive anything in any manner concerning the ordination of the abbot, or of the clerics or priests, or concerning the distribution of chrism, or the consecration of the basilica, or any causes pertaining to the monastery. Nor shall anyone presume to give anything to the abbot for his ordination, lest by this means what is offered by the faithful to the pious place be consumed.

Nor shall the bishop of the city of the parish celebrate public masses there unless invited by the abbot, nor indicate stations in the same monastery. The peace of the servants of God may not be disturbed by popular gatherings. Nor may one demand the prepared or guest accommodations.

However, the reception of the faithful and of religious men, and their almsgiving, which the Apostle [Paul] commands according to the possibility of the place and their means, we not only do not deny, but even recommend. Let the number of the congregation be such that neither plurality may cause scarcity nor paucity cause the destitution of the place.

We also confirm by our authority the privilege granted to the same monastery by our predecessor of pious memory Pope Nicholas [I],[224] except only that he delegated under the name of the handmaids of God, who now cannot remain regularly for frequent secular disturbances. The place shall be under the habit of monks for the sake of greater utility.

[224] No reference to the privileges to the monastery granted by Pope Stephen VI (896-897), Sergius III (904-911) or John XI (931-935).

But if any kings, bishops, priests, abbots, judges, counts, or secular persons shall attempt to contravene this page of our institution, let them be struck by apostolic anathema, deprived of the dignity of their office and honour, and recognise themselves guilty before divine judgement. Unless they atone for the wrongs they have done, let them be separated from the most sacred body of our Lord Jesus Christ, and subjected to eternal punishment and strict vengeance.

However, to all those who justly observe justice in the place, let the peace of our Lord Jesus Christ remain, so that they may receive the fruits of good deeds and obtain the rewards of eternal peace before the strict judge.

Written by the hand of Azo, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of February, indiction one [A.D. 943].[225]

Given on the second day before the Nones of February [4th February], by the hand of Benedict, bishop and librarian of the Apostolic See, in the first year, God favouring, of the pontificate of our lord Marinus [II], supreme pontiff and universal pope, in the most sacred see of the blessed Peter the Apostle, in the month of February, indiction one [A.D. 943].

J.II.

The Privilege of Pope Marinus II[226] for the Monastery of St Boniface at Fulda.[227]

(Year 943.)

[According to Dronke, *Codex diplomaticus Fuldensis*, p 318.]

[225] The first indiction ran from 24th September, 942 to 23rd September, 943.
[226] Erroneously called Martin II in the Latin title: PRIVILEGIUM MARTINI PAPAE II
[227] The Fulda Monastery was in honour of the Holy Saviour. St Boniface was the founder.

Marinus, bishop, servant of the servants of God, to Hadamar, religious abbot of the venerable monastery of St Boniface, martyr of Christ, and through him in the monastery to you and your successors in perpetuity.

Things that accord with reasonable desires must always be granted. The pious authority of a founder's devotion in conferring privileges of holy construction ought not to be denied. You have requested from us that the monastery of the Saviour, first constructed by St Boniface, and newly built by you in the place Boconia near the bank of the river Fulda, should be adorned with the badges of the privilege of the Apostolic See. Further, having been established under the jurisdiction of our Church, which by God's authority we serve, that it should not be subjected to the jurisdictions of any other Church.

Favouring your pious desires, by our authority we bring to effect that which is requested.

We forbid any priest or bishop of any Church to have any jurisdiction or authority in the aforesaid monastery, except the Apostolic See, so that unless he shall have been invited by the abbot of the monastery, no one may presume to celebrate the solemnity of Mass there. In accordance with that which, by the firmness of privilege, let the monastery remain endowed with places and properties, those which it holds or possesses, and those which divine piety may in future times wish to increase from the gifts and oblations and tithes of the faithful – without contradiction of any person – in perpetual firmness.

By the page of our decree, whoever, whether prelate of any Church or person of whatever dignity, shall attempt to violate this charter of our privilege, which we confirm by the authority of the Prince of the Apostles, let him be anathema. Incurring the wrath of God, let him be cast out from the company of all the saints. Let the dignity of the aforesaid monastery, granted by us, remain perpetually inviolate, upheld by authority.

Written by the hand of Theodore, *notarius, regionarius* and *scriniarius* of the holy Roman Church, in the month of March, indiction one.

Given on the sixth day before the Kalends of April [27th March], by the hand of Nicholas, *primicerius* of the supreme Apostolic See, in the first year, by God's favour, of the pontificate of our lord Marinus the Younger,[228] supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the same month, indiction one [A.D. 943].

J.III

The Privilege of Pope Marinus II for the Church of Benevento.

(Year 943.)

[From Ughelli, *Italia Sacra*, vol. VIII, p. 50.]

Marinus, bishop, servant of the servants of God, to the most beloved and deservedly honourable John,[229] bishop of the holy Church of Benevento, and to your successors in perpetuity.

The splendour of the supreme and apostolic dignity of Christ shines forth in this divine prefecture, and in carrying out the praises of God it strives more earnestly to exhibit the contest of its labour. Apostolic pastoral solicitude compels us – those things pertaining to the stability of holy places ought to be promulgated and confirmed by the apostolic institution.

You have asked from us that the Apostolic See […] be adorned and that we confirm the ancient boundaries granted by our predecessors the pontiffs, favouring your pious desires. By our authority we effect that which is requested; granting to you and to your holy Church

[228] Latin is *universalis junioris papae.*
[229] Joannes II of Benevento (943-956).

of Benevento whatever it possesses legally and reasonably by ancient right in the time of your predecessors.

That is: Bivinum, Asculum, Larinum, Sipontum, and the church of St Michael the Archangel on Mount Garganus, with all their appurtenances, and all estates with churches, households of both sexes, and farmsteads, and all places within your parish.

By ancient right we grant them to your religion and to your successors to be ruled, and legally and canonically to be disposed with all their appurtenances, whether they be cities, or whatever fortresses formerly possessed by your predecessors the bishops.

Moreover, by the adjuration of divine judgement and by strong and most severe interdictions of anathema, no man, endowed with the power of any other dignity, whether he be great or small, or Greek, shall presume to do violence in your holy Church of Benevento, or take away or alienate those things which pertain to it, or diminish their boundaries, nor to inflict upon it any malice, breach, or molestation.

Nor let it be permitted by any great or small person, that anything be taken away from it, or from all things belonging to it, as has been said, at any time. The venerable holy Church of Benevento, in accordance with that which has been established by us, may remain adorned, immovably endowed in apostolic constitutions and privileges.

If anyone (which we do not wish), dares with impious boldness to resist these things established by us for the praise of God and for the stability of the aforesaid Church of Benevento, or in any way to transgress – whether he be a Greek, or any other man who may wish to have domination or primacy, by himself or through any other man, in the aforesaid churches, without the will and command of the bishop of Benevento – and those who presume to receive them, let all remain under our apostolic and indelible anathema. Let them not presume to enter into any church, or to perform any ecclesiastical office.

But let him who, with pious intention, is an observer and in all things a guardian of our apostolic decree, looking to the worship of God, obtain manifoldly the grace of blessing from our most merciful God, and merit to be made a participant in eternal life.

Written by the hand of Stephen, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of October, indiction two.[230]

Farewell.

Given on the third day before the Ides of November [11th November], by the hand of Nicholas, *primicerius* of the holy Apostolic See, in the second year, by the Lord's favour, of the pontificate of our lord Marinus, supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the aforesaid month and second indiction.[231]

J.IV.

The Privilege of Pope Marinus II for the Monastery of Monte Cassino.[232]

(Year 944)

[From Gattula, *Historia Cassinensis*, p. 94.]

Marinus, bishop, servant of the servants of God, to the beloved son Baldwin, venerable abbot of the monastery of Christ's confessor Benedict, situated on the mountain called *Castrum Cassinum* [Monte Cassino], and to your holy congregation and to your successors forever.

It is fitting for apostolic governance to assist those strong in holy religion with compassion, and to grant assent with eager devotion to those asking. From this we obtain

[230] Indiction two is October and November 943, the indiction starting on 24th September.
[231] As above.
[232] For the follow-up confirmation by John XII, see L.XVII.

reward from the Lord, maker of all things, when venerable places, duly ordered, have been brought to a better state.

You have asked of us that we confirm and grant to you the monastery of Christ's confessor the blessed Benedict, situated on the mountain *Castrum Cassinum* [Monte Cassino], where his most holy body is buried, with all goods, appurtenances, or dependencies, both in monasteries of men and of handmaids of God, as well as in cells and estates, wherever or however they pertain to the rights of the monastery, in their entirety.

First, the monastery of the Lord the Saviour, situated at the foot of that mountain itself; and the monastery of the holy Mother of God and Virgin Mary called Plumbarola. Likewise also the monastery of St Mary in Cingla, built within the city of Capua; indeed also the monastery of St Sophia built within the city of Benevento; and the monastery of St Mary situated within the Beneventan territory, in the place which is called Canneto, near the river Trinium. Likewise the monastery of St Mary within the city of Cosenza, of the handmaids of God, with all, as we have said, goods and appurtenances in the Beneventan territory and also in Apulia and Calabria, and even in the territory of the March, and also in the territory of the Marsi, or wherever, together with colonists and female colonists, or male and female serfs belonging to the rights of the same monastery.

Thus, it may be adorned with the privileges of the Apostolic See. Established under the jurisdiction of our holy Church which by God's authority we serve, it shall not be subjected to the jurisdictions of any other Church.

Favouring your pious desires, by our authority we bring to effect what is requested.

We forbid every priest of any Church to have any jurisdiction or authority in the aforesaid monasteries, except the Apostolic See, so that unless he be invited by the abbot of the monastery, he may in no wise presume to celebrate the solemnity of Mass there.

From the present second indiction [A.D. 944] we establish it irrevocably, to be held forever, and to be ruled and administered with the fear of God.

We also ordain, by apostolic censure, under the attestation of divine judgement, and by strong and most severe prohibitions of anathema, that no one ever presume – whoever he may be, of whatever dignity and power, great or small – to intrude in the monastery or in its affairs, or to take away or alienate goods, possessions, or churches subject to it, or whatever belongs to it. Nor to inflict any harm or damage by malice. The monastery shall remain, by firm stability of peace in barbaric times, under the jurisdiction of our holy Church.

We promulgate and decree by this authority of the blessed Peter, Prince of the Apostles, before God and His fearful future judgement. We sanction as our apostolic privilege and constitution: the places which the monastery of St Benedict have acquired or been granted, as well as other possessions kings and dukes or *gastalds*, and other Christians, have given and bestowed, or which afterwards shall grant, are to exist firm, stable, and in the right of that monastery, and are to remain in perpetuity.

Nor shall it be permitted, as has been said, for any great or small person to take from it or from that which belongs to the monastery. The aforesaid venerable place, subject to apostolic constitutions and privileges, shall remain unshaken and endowed.

It shall be lawful for those same monks always to elect from their congregation an abbot.

Also let it be lawful for you, for the making of chrism, or the offering, and the ordination of priests, deacons, and subdeacons, and for the consecration of altars, to invite whatever bishop you please. We grant also that the angelic hymn be said at the solemnities of Mass on Sundays and feast days at all times, and that you may sound the bell both in day hours and in night hours when it shall please you, both in the aforesaid monastery and in its

cells. No bishop shall forbid the people of God to enter either the monastery or its cells to hear the word of God.

No bishop shall presume in the aforesaid monastery or its subject churches to excommunicate priests, or to summon them to synod, or the abbot and monks who may be there. It shall also be lawful for you to receive a cleric, or priest, or deacon, or subdeacon, from whatever bishopric he may be, for dwelling or for receiving the monastic habit with his goods, without prohibition from any bishops. And it shall be lawful for you and your monks subject to you to judge both the monastery of men and the convent of maidens, without secular power and without prohibition of any bishop.

If anyone (which we do not desire) presumes with wicked boldness to oppose or in any respect transgress the things decreed by us for the praise of God and the stability of the aforesaid monastery, let him know himself, unless he repents, bound in the chain of anathema, and alienated from the kingdom of God. With the devil and his most atrocious pomps, and Judas the betrayer of our Lord Jesus Christ, let him be assigned to be burned in the punishment of eternal fire.

But he who in pious intention is an observer and in all respects a keeper of our apostolic constitution, looking to the worship of God, may obtain manifoldly the grace of blessing from our most merciful God through the intercession of blessed Benedict, and may merit to be made a sharer of eternal life.

Written by the hand of Leo, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January, in the second indiction [A.D.944].[233]

Farewell in the Lord.

Given on the twelfth day before the Kalends of February [21th January], by the hand of Benedict, bishop of the holy church of Silva Candida and librarian of the holy Apostolic

[233] The second indiction ran from 24th September, 943 to 23rd September, 944.

See, in the second year, with God propitious, of the pontificate of our lord Marinus, supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the month of January, second indiction [A.D. 944].

J.V.

The Bull of Pope Marinus II for the Monastery of St Vincent of Volturno.

(Year 944.)

[Muratori, *Rerum Italicarum Scriptores,* Vol. I, Part I, p. 432.]

Marinus, bishop, servant of the servants of God, to Leo, venerable abbot of the monastery of Christ's martyr Vincent, situated in the region of Samnium, in the territory of Benevento, above the spring of the river Volturno. For you and all your successors to be regularly promoted in the monastery, in perpetuity.

It is fitting for us to watch over the Churches of God with holy vigilance, and procure the integrity of venerable places. For the benefit of those, and especially for the peace of the monks, we bestow aid. Thus, we may obtain the reward of divine mercy in the heavenly mansions.

You asked of us that the monastery of the blessed martyr Vincent, together with all that belongs to it – monasteries, cells, chapels, lands, and castles, male and female serfs, with all its revenues – be under the jurisdiction of the holy Roman Church.

With God as author, we serve.

We grant the authority of our privilege to you and your legitimate successors, the abbots, so that the monastery be subject to the rule of no other Church. Together with all its dependent monasteries and cells, namely:

- the monastery of the blessed apostle Peter, near the river Sabato in the territory of Benevento;
- the monastery of holy Mary, Mother of God, in the place Sano;
- the monastery of the Lord Saviour, in Alife;
- the monastery of holy Mary, in Apinianici in the Marsican territory;
- the monastery of holy Mary, in Duas Basilicas;
- the monastery of holy Mary, in Castanietum;
- the monastery of holy Mary, in Palere, in the territory of Domo;
- the monastery of holy Mary, in Planisi;
- the monastery of St Peter, in Vipera, with the same hamlet of Leo;
- the monastery of St Peter, in Tontole;
- the monastery of St Peter, in Trite;
- the monastery of holy Mary, in Musano;
- the monastery of holy Mary, in Arole;
- the monastery of St George, in Salerno;
- the monastery of St Vincent, in Capua;
- the monastery of St Martin and the Holy Cross, on Mount Marsicum;
- the monastery of St Columba, in Sora;
- the monastery of Saints Maurus and Valentine, in Atina;
- the monastery of St Donatus, with the renowned Sorana valley.

All these, and with all the things which rightfully belong to them, we place under the protection of our Apostolic See.

You have every power in the monastery to invite whatever bishop you wish for Christian ordinations. Likewise, for consecrating churches, and for the ordination of priests and deacons to be performed from time to time, and for fulfilling every grade therein.

No bishop may summon a priest or deacon from the monastery to his synod, unless it be by the summoned one's own will. Nor may a bishop judge or excommunicate the abbot or the monks.

We will, and by apostolic authority we enjoin, that you and your aforesaid abbots may immediately receive priests or clerics from whatever church, if they come to dwell in the congregation of the brethren, or if they have taken upon themselves the monastic habit.

As for chrism, from whatever bishop you may wish to request it, it shall always be permitted under our apostolic authority.

We forbid any priest of whatever church to have jurisdiction in the monastery, apart from the Apostolic See. Unless he be invited by the abbot of the monastery, no one may presume to celebrate the solemnities of the Mass there.

We decree by apostolic censure, under the invocation of divine judgement, and also by the prohibitions of strong and very severe anathemas, that no one, ever, of whatever dignity, may presume to encroach upon the monastery, or take away or alienate any of its goods, possessions, or subject churches, or whatsoever things belong to it. Nor to inflict any kind of malice or injury, whether in peace or in barbarous times.

The aforesaid monastery shall forever remain, as said, under the firm stability of the jurisdiction of the holy Roman Church.

Publishing with the authority of blessed Peter, Prince of the Apostles, before God and His terrible judgement, by this constitution of our privilege we sanction and decree that places acquired by any bishop or abbot, and likewise possessions granted, bestowed, or offered by kings, dukes, princes, *castaldi* [stewards], and other Christians to the monastery, or that afterwards shall be granted or offered, shall remain in perpetuity under the right of that monastery.

Nor shall it be permitted for anyone, great or small, to take away anything from the monastery, or from its belongings. What has been subjected to the monastery by apostolic decrees and privileges shall remain unshaken.

Let it be permitted to the monks to always elect an abbot from their congregation. Let it be permitted to that abbot to judge his monks, not only of the male, but also of the female monastery subject to him.

If anyone (which we do not desire) by wicked daring presumes to resist these things we have decreed for the praise of our God, for the stability of the monastery, or otherwise transgresses them, let him be bound with the chain of anathema. With the devil and his angels and Judas, the betrayer of our Lord Jesus Christ, he shall be condemned to be burned in eternal fire. But he who, with pious intention, shall have been an observer in all things, keeping the constitution of our privilege with regards the worship of God, may he be preserved by the grace of blessing from our most merciful Lord God. May he merit to become a partaker of eternal life.

Farewell.

Written by the hand of Adrian, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of March, indiction two [A.D. 944].[234]

Given by the hand of Stephen, *primicerius* of the *defensores* of the supreme Apostolic See, in the second year of the pontificate of lord Marinus, supreme pontiff, in the most Holy See of the blessed apostle Peter.

J.VI.

The Bull of Pope Marinus II for the Sabina Church.

(Year 944.)

[234] The second indiction ran from 24th September, 943 to 23rd September, 944.

[Sperandio, *Sabina sacra*, p. 331.]

Marinus, bishop, servant of the servants of God, to the most beloved brother John, bishop of the Sabina Church, and to his successors forever.

It is fitting, with apostolic moderation, to assist with compassion those who abound in pious religion, and to impart appropriate support to those who ask.

You have requested that we grant and delimit to you the Sabina bishopric, which is in honour of holy Mary, the Mother of God, and situated in Foronovo, together with all its possessions justly and legally belonging to it.

We, inclined by your prayers, confirm and strengthen the bishopric, by this page of our apostolic command.

Its boundary is: from the side, the river Tiber, running as far as the territory of Utriculi, the stream called Votivus. From there it ascends to the Narnian[235] boundary at the place called Prata. From that boundary it proceeds to the frontier, and it comes to Scapua, running along the Reatine border. From that boundary it comes to the mountain called Tancia. From those boundaries it comes to the Sabellian wall, and arriving at the summit of the Black Mountain, it goes on to the long hamlet at Staffolo. From that boundary it goes to *Leones Montanianus*, then it goes to the stream which runs near St Victoria of Tribulum. Then it ascends to the mountain called Carbo, and by *Aqua Mensa* it comes to the river Torritius, and through that into Carzoli, and comes to the Sacred Field.

These boundaries begin from the river Tiber, going near the gate of St Valentine, and coming to the Pincian Gate. From there it goes to the Salarian Gate, where is the church of *sancti Millitis Romam*,[236] which is of the jurisdiction of the aforesaid Sabina bishopric. From

[235] The town of Narni. Not the fictional world of C.S. Lewis.
[236] I am at a loss here. The Roman Church of the Holy Soldier? Research proved fruitless, so I have left the original Latin.

there it comes to Silices, near St Lawrence, and from that boundary it comes to *Septem Fratres.* Through those boundaries it comes into Silices, near St Anatolia, which is situated beneath the mountain called Rasiano. There is the church of Peter, which is of the jurisdiction of that same bishop. From there it comes into Silices which runs near St Vincent, and going on to St Stephen at the end of the stream. Through those boundaries it ascends to the summit of the mountain *Januarius*. From there it comes to the mountain called Possode; and proceeding through the lands of the mountains, it arrives in the Sacred Field, with all the inhabitants and churches, and all things that lie under that bishop and pertain to him, both in vessels, and castles, villages, and hamlets. Likewise, within that same church the sacred vessels of gold or silver, or of whatever pottery, or books, or vestments, or whatever other movable or immovable things which pertain to that same bishopric.

May it be entire, just as it was granted to your predecessor bishops, by our former pontiffs. We grant it to you and to your successors, to be held, possessed, and administered forever, both the monasteries and the other churches within those boundaries, with all the things above included.

Likewise, the presbyters, and deacons, and all clerics persisting in the lesser orders, with deaconesses and handmaids of God, shall be subject to you and your successors, as the holy Fathers have decreed. They shall remain under your law and censure and of your successors forever, and be absolved from all other powers. No one except you may constrain them, or bring them into the palace for whatever complaints, nor may anyone exact tribute from them, who are of the portion of God.

It is not fitting for them to minister in secular affairs in any way, but let them remain under your power and of your successors forever, with tithes and first fruits, and with those things bequeathed for the dead.

All these things are under your right and the right of your successors forever. No duke, no count, no viscount, nor any other, whether great or small, of whatever dignity or of whatever order, may injure, diminish, or revoke our apostolic authority, dignity, and confirmation of your bishopric.

But if anyone shall violate this, let him be struck with our anathema, and swallowed up in the chaos of perpetual damnation,[237] and alienated from the kingdom of God, and condemned with the impious to eternal fire and punishment. Let him take his lot with Judas the traitor of our Lord Jesus Christ. From our most merciful Lord God may he deserve this.

Written by the hand of Leo, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of May, in the second indiction [A.D. 944].[238]

Farewell.

Given by the hand of Gregory, by the providence of God *secundicerius* of the holy Apostolic See, in the year, by God's favour, of the pontificate of lord Marinus, supreme pontiff and universal pope, in the most Holy See of the blessed Apostle Peter, in the month...

J.VII.

Letter of Pope Marinus II to Sico, Bishop of Capua.

(Year 943–944)[239]

[Tosti, *History of Monte Cassino*, vol. I, p. 215.]

You were consecrated into the episcopal order by this most Holy See of the blessed apostles Peter and Paul, princes of the apostles.

[237] The Latin: et in perpetuo damnationis chaos absorptus.
[238] The second indiction ran from 24th September, 943 to 23rd September, 944.
[239] Zimmermann's dating.

You ought not to have exalted yourself in so great a matter, against the statutes of the canons and the decrees of the ancient Fathers. It is not permitted for you to do those things which God-fearing men are reporting about you.

As Pope Celestine [I] confirms in his decrees, no priest may be ignorant of the canons. It is even more fitting that you should examine them. You, placed upon the height of the episcopal office, ought first to have instructed yourself, then others.

But you have been nourished by a lay mind and the habits of a princely court. We have heard by report that you persist in infamy. You meditate on secular things more than episcopal laws, and you desire the gathering of laymen more than the assembly of clerics. Forgetful, indeed ignorant, of chapter eight of the Council of Chalcedon – a bishop ought in no way to go to the *comitatus* [imperial court], and likewise in chapter nine, by no means should bishops wickedly strive to attend the court. And the rest.

These and many other things you wield more against yourself than against the canons. Ignorant of the studies of letters, you do not spend time with the disciplined or the skilled, who might have been able to instruct you, but with the most base and undisciplined laymen and unlearned clerics. You daily meditate on wandering and worldly matters.

Fearing neither God nor man, you attempt to do many things against Holy Scripture.

But, astonishingly, even that which your benefactor established, the one who purchased you from the race of the Saracens, you dare to break, led by stubbornness and ignorance, fearing neither God nor the holy canons. Nor do you fear to transgress what your predecessor, the venerable bishop canonically ordained, established and bound under the bond of anathema, and confirmed with canonical authority.

You reckon as nothing, that, as the writings of a certain doctor testify, you handed over the church of the monastery of the Holy Angel of the Mountain, long ago confirmed

under the regular way of monks, to your unskilled and undisciplined deacon. So that, as formerly, dances and idle revelries should take place.

If you feared God in your mind, you ought not to have permitted this. Rather opposed it, even if (which we do not believe) our son – your prince – who perseveres innocent as a lamb in such matters, had wished to do it. If, God forbid, he consented to such things, we believe him to have been deceived by your machinations.

God foreknows all things and discerns all things. By His just judgement He has kindly roused the prince against you, so that he might send you into exile – you, who plot to kill the body, then the soul. Showing yourself unskilled in these and in other matters, you ought to have known what the Council of Chalcedon testifies in chapter twenty-four about monasteries. Through neglect, you do not pursue the canonical order. About this I will keep silent until another time.

But because you took away the church of the Holy Angel of the Mountain, a holy institution, from the congregation of monks for love of your deacon, we decree that this man is to be deprived of your fellowship, until he shall minister just service to you. Meanwhile, we will that the church of the Holy Angel of the Mountain returns to the power of the monastery.

These things must be strengthened by our precepts.

By the authority of Almighty God and of the chiefs of the apostles, Peter and Paul, and of all the saints, and of the seven ecumenical councils, we excommunicate you.

We send this so that you take heed, and strive diligently to amend yourself, and restore at once that church of the Holy Angel of the Mountain to the monastery, which your predecessor, the venerable bishop, with the counsel of your prince, your benefactor, gave to this monastery, and confirmed with canonical authority, and moreover bound with the bond of anathema.

Having called together all the orders of the Church, confirm it so that there will be a monastery there forever, always under the guardianship and dominion of St Benedict. You and your successors shall not interfere, save if sanctioned by your predecessor.

If you disobey our exhortation and command, consider yourself alienated from all priestly honour and name, and stripped of every clerical office, by the authority of Almighty God and of the blessed apostles Peter and Paul, and of all the saints together, and of the venerable seven ecumenical councils. Also, by the judgement of the Holy Spirit. If in your former fashion you dare to touch anything of sacred ministry, in no way may it be permitted to you to have hope of communion or satisfaction. You shall stand forever anathematised. You may receive the body and blood of the Lord only when the peril of death is near at hand.

J.VIII (Dubious) *

Privilege of Pope Marinus II for the Church of Hamburg

(Year 942-946)[240]

[Lappenberg, *Hamburg Cartulary*, vol .I, p.43.][241]

Marinus, bishop, servant of the servants of God, to the most reverend and most holy Adaldag,[242] archbishop of the holy Church of Hamburg and our brother, paternal affection and perpetual blessing in Christ.

The pious desire of will and the intention of laudable devotion are always to be aided by apostolic zeal. It is a matter of care that those things legally done, conforming to the form of equity, may not be disturbed. God being the Author, they ought to remain by irrefragable

[240] Date from Jaffé.
[241] Volume and page from Jaffé.
[242] Adalgag of Hamburg (936-988).

law. By apostolically promulgated constitution, those things proper to each, according to reason, shall be confirmed as lawful to possess.

You have requested that we make a privilege for your Church and strengthen it by apostolic protection. We grant that the Church remain in its former state. And by apostolic law we confirm to you and your successors of the holy Church of Hamburg its dignity and proper boundaries, with all estates and parishes, and all movable or immovable possessions, with male and female serfs, to possess and hold, which Gregory [IV], of pious memory, our predecessor, granted to Ansgar, your predecessor whom the Church ordained as archbishop in your See, having established the right and all boundaries which Emperor Louis [I], of pious memory, and Louis [II], his son, wished your Church to have and defined by imperial authority.

We decree that you have the power to ordain bishops within your diocese, provided they remain under your Church's authority, preserving its dignity.

If anyone contravenes this privilege of our authority, and in any way strives to break it in part or in whole, let him be excommunicated from the body and life-giving blood of our Lord Jesus Christ, separated from communion with the holy Church of God.

But the observer of our admonition and command shall have the blessing of Almighty God, of the blessed apostles, and of us, who act in their vicarship.

Written by the hand of Benedict, chancellor[243] of the holy Roman Church, in the month of May, in the sixth indiction.[244]

J.IX (Dubious)[245]

[243] Migne already assesses the document as dubious, but considering the well-developed formula in this corpus, one would suggest that a notary or scribe would write the text, and the chancellor would "give" it. The chancellor writing it would be a departure from the normal formula.
[244] Indiction six would be September 947-September 948, after Marinus II's death in May 946. 942-946, the ostensible date for this document, would be indictions one to four.
[245] Curiously, Zimmermann does not categorise this letter as spurious.

The Bull of Pope Marinus II, confirmatory of all the rights and possessions of the Church of Adria.

(Year 944.)[246]

[Muratori, *Antiquitates Italicae*, vol .I., column 947].

Marinus,[247] bishop, servant of the servants of God.

It is fitting for apostolic governance to succour with kindly compassion those who ask, and to impart assent to the sacred devotion of those who petition. From this comes the greatest gain before God the Maker, since venerable places will without doubt have been brought to a better condition.

You have humbly requested of our Apostolate, justly and reasonably, that we should grant and confirm, by the authority of the blessed apostle lord Peter, the holy Church of God at Adria, and all the possessions and properties of that Church.

That is, the island called Adriana, together with all its forest and its harbours, the Port of Laureti, and the Port of Gaurus, all intact, continuing down to the sea, and from the Port of Laureti as far as the canal Fea, and as far as the canal Falce, together with its hunting, fishing, and fowling, entire.

Likewise, the estate of Quinto, and the forest of Lapario, and Lathualo, and the canal of Trion, or the canal of Aira, and the canal of Palo, or Conchagatula as far as the fishery of Cythiu, and Corrigio Susorum. And the whole island between the Athicus and the Tartar, with forest, and manegium, and the estate of Gavello entire, and the village of Martiana entire, or the farmstead of Roda with forest and valley pertaining to it, as far as the valley Fraxinita and Lavigie and Valentina.

[246] Jaffé's dating.
[247] Martinus in the letter.

Likewise, Argelem Maiorem and Grignano, and likewise the estate of Pedrulio, or the farmstead of Pontecli as far as Vibo Carario, and the farmstead of Lamando, and the aforesaid estate of Pedrulio continuing as far as Stillo de Baldo.

Moreover, we confirm and corroborate in the aforesaid holy Church of Adria the parish of St Mary, called Corna Cervina, extending from the canal of Finale as far as Gaurus; and the parish of St Mary in Stornio, which the river Po destroyed, and continuing from the breach of Jovianea as far as the ditch Opilea, and as far as the ditch Corrulo, entire. And the parish of St George in Tamara, together with the estate of Copario, and the farmstead of Ambioso as far as the valley Fraxineta, entire.

Likewise, the parish of St Martin in Roviola entire, and the parish of St Donatus in Pedrulio, let the aforesaid Church of Adria have, hold, and possess entire. By the authority of this privilege, we confirm in the aforesaid Church the estate of Cappaciana and Lendenaria, together with its forest as far as the river Athicus, or Sulicini, and Tribano, and Mardinagus, or Anguillaria, and Caput Argellae.

By our apostolic precept, and by the precept of our most beloved son Hugh,[248] most serene king, we command that no person, of whatever condition or rank, or dignity or religious standing, may enter into the goods and possessions of the aforesaid Church without the consent of the bishop, or of him who presides over that same Church. Nor may anyone presume to diminish, or dominate, whether through lodging, or through commendation, or to commit any violence. Let the Church of Adria wholly remain safe and unharmed for all time, all clerics as well as laymen and servants, or residents of that same Church. Let all their goods, movable and immovable, and those moving of themselves, remain whole. Let them live quietly and peacefully, with all dispute of men removed.

[248] Hugh of Italy/Arles

If anyone (which we do not desire) violates of the authority of our privilege, he will fall under the wrath of the blessed Peter, Prince of the Apostles, and of our son King Hugh, and of us. Let the aforesaid Church, with its appurtenances, remain under the protection of the blessed Peter, Prince of the Apostles, and of us and of our successors. Moreover, unless the transgressor repents from evil, let him know that he will make compensation of one thousand mancuses of the finest gold, half to our palace, half to the aforesaid Church.

But whoever, with pious intention, has been in all things a guardian and observer of this privilege, may he have the grace of blessing, and eternal life with all the saints without end, unto the ages of ages.

Amen.

Written by the hand of Gregory, *scriniarius* [archivist/scribe] of the Roman Church.

Given at the Lateran Patriarchium, on the third day before the Ides of June [11th June].

Farewell.

I, Benigno,[249] bishop of Ostia, have subscribed with my hand.

I, Gregorius,[250] bishop of Porto, have subscribed with my hand.

In the second year of [Marinus'] See, and the fourth of Lord Hugh,[251] indiction twelve.[252]

I, Dominic, by the mercy of Christ notary of the holy Church of Adria, saw this page of the authentic privilege, written by the hand of lord Gregory, *scriniarius* of the Roman Church. Adding or subtracting nothing, I copied it in the year of the Lord's incarnation 951,

[249] Benigno became bishop of Ostia in 946.
[250] Gregorius became bishop of Porto in 985.
[251] The fourth year of Hugh's reign would be 930, not 944.
[252] 944, as Migne notes, is indiction two, and not indiction twelve.

on the fourteenth day before the end of the month of April [16th April], indiction fourteen,[253] in the time of lord Pope Eugenius and King Conrad.[254]

I, Romeus, notary of lord King Henry,[255] saw and read the authentic original of this copy, just as it is contained here.

J.X. *

Pope Marinus II takes Pisa into papal protection.[256]

(Year 944)

[Zimmermann, *Papsturkunden*, vol.I., p.185.]

Marinus,[257] humble bishop of the universal Church of God, to our most beloved sons the Pisan consuls, greetings, and every good thing.

We have received your letters, and we have heard what your envoys, your beloved sons, prudently and elegantly put forward on your behalf. We judge that their petitions, as far as we are able in God, ought to be admitted by the grace of a hearing. Your envoys will be able to report more clearly by word of mouth.

But, most beloved sons, recognising your sincere devotion, which you have always had towards the Roman Church, and your grateful disposition and the good order and purity of your minds, we embrace you among the other peoples of Italy with affections of charity. We enfold you within the innermost places of our love as special and particular sons – indeed, embracing you as defenders of the Roman Church – and we intend to pursue you with the favours of special grace.

[253] 951 was indiction nine, and not indiction fourteen.
[254] In 951, the Pope was Agapetus II. The time of Pope Eugene III and King Conrad III was the mid-twelfth century (1145-1152).
[255] Unclear which King Henry. Given that we are dealing with forgery, it could be referencing anyone.
[256] For the addition of this letter to the corpus, see the Translator's Note.
[257] Latin is Martinus, that is, Martin.

And just as we have received you under our protection and that of the blessed Peter and Paul, so we intend, so far as our strength allows, to protect and defend you from all who attempt to disturb or trouble you. Therefore, we ask and exhort all of you in the Lord, that you may foster among yourselves unity and concord by the affections of brotherly charity, so that all wicked rivalry, vain ambition, and wretched contention for honours may cease among you, and that you may with one mind work together for the public good and for preserving the freedom and the splendour of your commonwealth. And recalling to your memory the times past, when that commonwealth, renowned throughout the world, fell into misery because of civil discords and the severing of minds, and was oppressed by servitude.

Wherefore we set before your consideration and before your eyes one thing especially: that the fear of God (without whose grace they who guard a city keep watch in vain) and the cultivation of justice (without which neither cities nor kingdoms can be stable) may be steadfastly and perpetually in you. For we hope that, if you fulfil the aforesaid, there will come to you prosperity, tranquillity, and peace; and you will always find us and the Apostolic See favourable and kindly disposed to promote and procure these things.

Meanwhile, to you our most beloved sons, we commend as far as we can the chapter and the canons of your mother church. Daily before our eyes, our sons labour in the vineyard of the Lord and strive day by day to defend the Roman See and to resist wickedness. Strive unceasingly to preserve fields, lands, and possessions from the invasions of barbarians and from rapacious violence. For it is fitting that you guard the temporal goods of those who with such solicitude prepare for you the largess and treasures of spiritual goods.

Given at Rome, on the Sunday of Holy Week, in the second year of our pontificate.

J.XI.

Pope Marinus II confirms the possessions and revenues of the episcopal cathedral of St Lawrence in Tivoli.

(Year 944-945)

[Zimmermann, *Papsturkunden*, vol.I., p.191.]

At the request of Bishop Hugbert of Tivoli (Hugbert, sinner and humble bishop of the Church of Tivoli, suggesting), by reference to the privileges of the popes Nicholas I, John VIII, and Leo VII, which had long since been widely destroyed by age, Marinus II confirms the possessions and revenues of the episcopal cathedral of St Lawrence in Tivoli (that is, of the Tivoli church, dedicated in honour of the blessed martyr of Christ, Lawrence).[258]

J.XII. (Dubious)

The Privilege of Pope Marinus II for the Monastery of Nonantola of St Sylvester.[259]

(Year 883)[260]

[Marini, *Papiri diplomatichi*, 11]

Marinus, bishop, servant of the servants of God, to Theodoric, religious abbot of the venerable monastery of St Sylvester in the territory of Modena, and also to all subject to him, in perpetuity.

Whatever things pertain to the praise of the Redeemer and our Lord and Saviour Jesus Christ, and benefit the stability of venerable places, it is fitting that we provide, with great

[258] For the addition of this letter to the corpus, see the Translator's Note.
[259] As per Jaffé, this privilege actually pertains to Marinus I (882-884). Migne errs by ascribing it to Marinus II (942-946). Nevertheless, for the sake of *Epistolae et Privilegia* completeness, the document is given here, even though it falls outside the time period of the corpus.
[260] Jaffé's dating – again, this is Marinus I, not Marinus II.

care and apostolic and reasonable judgement. From this the unceasing praises of hymns may rise to our propitiator, the Lord God. For us, who, although unworthy, yet by the grace of God bear the pastoral care of governance, abundant rewards may be inscribed in the heavenly citadels.

Your religiosity brought before us the precept of our predecessor pontiffs, lord Adrian [II], and John [VIII] of reverend memory, concerning the aforesaid monastery, and all the places and possessions belonging to it. You requested that we confirm this by the page of our apostolic privilege.

We, inclined by your prayers, and from the present first indiction [A.D. 883] in perpetuity, confirm the monastery under the rule and authority of the abbots your successors with all things belonging to it. We decree by irrefragable law that they remain, the monastery of St Sylvester, which […] at Nonantola in the territory of Modena.

By the authority of the blessed apostle Peter, to whom by our Lord God the keys of the kingdom of heaven were handed, and the power of binding and loosing in heaven and on earth was granted, we decree by promulgation, and establish by firm judgement, that this venerable monastery, with all places, holdings, lands, houses, hamlets, dwellings, and families, original serfs, along with goods and possessions, and also water-mills, olive-groves, or whatever in any […] appears, whether legally donated or granted, or in any way has justly come about, may hold and possess without any controversy, throughout perpetuity.

Let it never be permitted to kings, […], bishops, […] or officials of lesser or greater rank, to encroach upon the aforesaid monastery, or upon those things which belong to the monastery, in whatever manner, or to make invasion […] or to enter, or to celebrate the solemnities of masses, unless he has been invited by the abbot.

What we have established for the praise and benefit of the holy monastery shall remain firm. We altogether forbid the bishop in whose diocese the aforesaid monastery is

situated to claim anything against the tenor of the present decree of pious concession, nor to claim baptismal churches for himself.

I, Henry, *scriniarius* of the most holy Roman Church, together with Bartholomew, cleric of St Peter in Chains, have seen and carefully read the authentic privileges of the aforesaid popes, namely lords Adrian [II], John [VIII], and Marinus [I], and their contents. I have faithfully copied them, and made a sign.

Let it be permitted to no man to break this page of our writing, or to oppose it with rash daring. But if anyone should do so, etc.

Given at the Lateran, on the Ides of June [13th June], in the sixteenth year of our pontificate.[261]

[261] Marinus I only reigned two years (and Marinus II for four). This is a likely forgery in addition to a misattribution.

K. Agapetus II (946-955)

K.I. *

Privilege of Pope Agapetus II for the Monastery of the Holy Saviour at Fulda.

(Year 946.)[262]

Confirmation of the privileges which Pope Marinus II granted to the monastery of Fulda.

[From Cocquelines, *Bullarium, Privilegia, Amplissima Collectio*, vol. I, p. 250.]

Agapetus, bishop, servant of the servants of God, to Hadamar, religious abbot of the venerable monastery of the Lord Saviour, and through you to your successors, the abbots in the same venerable monastery, in perpetuity.

Since we bear the highest concern for all venerable places, as far as divine help allows, we strive to care for their stability. Thus the mercy of God is appeased and the praise of the Church of Christ is advanced: by this we dare with greater confidence to implore eternal mercy for the pardoning for sins. Your reverence requested from us that the venerable monastery of the Lord Saviour, built by St Boniface the bishop in the place called Boconia, near the bank of the river Fulda, be adorned with the protection of a privilege of the Apostolic See. Being placed under the jurisdiction of our holy Church which, with God as author, we serve, it would be subjected to the jurisdiction of no other church.

Favouring your pious desires in this matter, by our apostolic authority we bring into effect that which you ask, according to the form of the privilege you showed us as having been granted in perpetuity by our predecessor Marinus, of blessed memory, bishop of this Holy See.

[262] Migne's dating. Zimmermann places this as 947.

Therefore we forbid any priest of whatever church to have any authority or jurisdiction in the aforesaid monastery, excepting the Apostolic See, so that no one may presume to celebrate the solemnity of the Mass there unless he has been invited by the abbot of the monastery.

Indeed, according to the condition by which it is subject to the Apostolic See, the monastery may remain endowed, and may continually enjoy, without contradiction from any person, the places and goods it holds or possesses at the present time, and those possessed in future times from the gifts, offerings, and tithes of the faithful, in perpetuity.

Moreover, we decree that at suitable times it be reported to our ecclesiastical solicitude how monastic religion is directed by regular discipline, and how, with fitting harmony, it is devoted to ecclesiastical study. Lest perhaps (God forbid!) under cover of this privilege, mind and conduct be twisted away from the true norm of justice. And let it be permitted neither to king, nor to any bishop, nor to count, nor to any other person great or small, to inflict any violence or to raise any dispute concerning the goods and dependents of the venerable monastery.

By our authority we likewise forbid any woman to enter there. No one shall hold court in that venerable monastery or in its other places, or force its serfs or tenants into any service, except only those persons to whom the abbot shall have granted permission.

The brothers shall have the power of choosing an abbot for themselves when necessary, according to the Rule of St Benedict, without contradiction from any person. And to you, beloved son Hadamar, because we know you to be a well-instructed and eloquent man, we grant and command by the authority of St Peter that you preach the word of God.

Therefore, establishing by apostolic censure, we decree through this page: whoever, whether a prelate of any church or a person endowed with any dignity, shall violate this privilege (confirmed by the prerogative of the Prince of the Apostles), unless he quickly

repents, let him be anathema. Incurring the wrath of God, let him be cast out of the company of the saints.

Let the dignity of the aforesaid monastery, granted by us, remain perpetually inviolate, strengthened by apostolic authority. Whoever shall have been keeper and observer of this privilege, let him obtain blessing and grace from the Lord.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of October, in the fifth indiction [A.D. 946].[263]

Given on the seventh day before the Kalends of November [26th October], by the hand of Stephen, *primicerius* of the supreme Apostolic See, in the year (by God's favour) of the pontificate of our lord Agapetus II, supreme pontiff and universal pope, in the month of October, fifth indiction.

K.II. *

Pope Agapetus II's Letter to Atenulf, Prince of Benevento

He urges him to restore the monastery of St. Sophia to the monks of Monte Cassino.

(Year 946).

[In Gattula, *Historia Cassinensis*, p. 53.]

Agapetus, bishop, servant of the servants of God, to Atenulf, Prince of Benevento, greetings and apostolic blessing.

The custom of our office demands that we admonish the vigilant, correct the negligent, and urge progress towards good, while awaiting the day of judgement, according to the apostolic saying: "Preach the word; be urgent in season and out of season; reprove, rebuke, exhort" (2 Tim. IV, 2). Hence, in another place, the Lord, through the prophet, says:

[263] The fifth indiction ran from 24th September, 946 to 23rd September, 947.

"If you do not warn the wicked concerning his wickedness, his blood I will require at your hand" (Ezek. III, 18).

Hearing from our beloved son, Abbot Balduinus, we rejoice that we have been listened to in matters conducive to the exaltation of the churches. But we are also bound to watch over all the churches with pastoral care. Our spiritual son Balduinus, most reverend father of monasteries, reported that the good you began has not been maintained.

Hence we are greatly saddened and distressed. The monastery in honour of St Sophia, located within the city of Benevento and established under the rule of the blessed father Benedict for the monks on Monte Cassino, has, from its very founding, been maintained, yet in your time, disregarding the statutes of kings and universal apostolic authority, you have audaciously withdrawn the said monastery of St Sophia from the authority of the monastery of the blessed Benedict.

The monastery has now been recalled to the jurisdiction of its own holy monastery by the most reverend Abbot Balduinus, using canonical authority and the legal precepts of kings and apostles. Moreover, when our predecessor Pope Marinus II summoned him, you presumed to invade the monastery.

Therefore, we admonish in all ways, and beseech for the love of Christ, that you fully restore the monastery to the abbot, and that you do not further trouble the monastery of St Sophia of the Monte Cassino community. And if, God forbid, you act otherwise, know that, as in the precepts of our predecessors, you will be bound under the penalty of anathema.

K.III.

The Privilege of Pope Agapetus II for the Essen Parthenon

Confirms the privileges of the Parthenon of Essen, at the request of Abbess Hattewiga.

(Year 946)[264]

[Marini, *Papiri diplomatichi*, p.35.]

Agapetus, bishop, servant of the servants of God, to Hattewiga, religious abbess, and to the monastery of Asinda, built by the late prelate Altfrid, and to her successors in perpetuity.

The summit of apostolic dignity shines forth when it endeavours diligence in the exercise of the praises of God. You have requested from us, through the intervention of the lord and glorious King Otto, that the privilege granted by our predecessor, lord Pope Zacharias, to the monastery called Asinda, built by Bishop Altfrid,[265] consumed by fire together with the said monastery,[266] be by our apostolic authority granted anew to you.

We command it, and also the tithe, which by the permission of the aforesaid lord apostolic [Pope Zacharias], and with the assent of the bishops of the whole clergy, Gunther, Archbishop of the Church of Cologne,[267] assigned for the sustenance of the said nuns, and also the authority of election, so that when the abbess dies the nuns may choose an abbess, worthy and pleasing to God, from among themselves.

And so that the monastery may be adorned with the privileges of the Apostolic See, and established under the jurisdiction of our holy Church, to which, God being author, we serve, it shall be submitted to the jurisdiction of no other Church.

Favouring your pious desires, we commit what you request to effect, decreeing by apostolic censure, under the entreaty of divine judgement and the interdiction of anathema, that no one, whatever their rank, great or small, shall take away or alienate the goods or possessions, or anything which belongs to the monastery, nor commit any malice or cause

[264] Zimmermann places this as 951.
[265] Pope Zacharias or Zachary was 741-752. He lived over a century before Altfrid, who died in 874.
[266] That is, that the earlier privilege was destroyed by the monastery fire.
[267] Gunther was Archbishop of Cologne in 850-863. This aligns with Altfrid, but not Pope Zacharias.

any harm or loss therein, whether in times of peace or of barbarian turmoil. It shall remain in firm stability under the jurisdiction of our holy Church.

But truly, whoever shall be a pious observer of this apostolic privilege shall receive from the most merciful Lord God the grace of blessing.

K.IV.

The Letter of Pope Agapetus II to Leo and Benedict, intruders into the Churches of Trivento and Termoli.

(Year 947).

[Mansi, *Sacrorum Conciliorum Collectio*, Vol. XVIII, p. 412.]

Agapetus, bishop, servant of the servants of God, to Leo, presbyter and monk, and Benedict, likewise presbyter, irrationally consecrated by us as bishops, and clothing themselves with the same order…

We have already sent you letters, requesting that you come to us and satisfy the accusations and complaints which John, bishop of the holy see of Benevento, has against you. He has shown that the privileges granted by our predecessor pontiffs of the Holy Roman Church and of the Apostolic See, under strict anathema, decree that no one should presume to diminish the boundaries of the aforementioned church of Benevento, and that the churches of Trivento and Termoli have long been subject to the bishop of Benevento. Likewise all other churches which are built or are to be built within the boundaries of these and other cities and castles, and all places subject to the dominion of the principality of Benevento.

Because you refused to come and give account, we have learned you did not enter by the proper door, but stealthily, as thieves and robbers from elsewhere, and usurped episcopal ministry unlawfully. A new presumption has arisen, whereby the people under the diocese

and the episcopate of the aforesaid province of Benevento, against the constitutions of the canons, have chosen you as bishops by simoniacal heresy for reward.

Therefore, we excommunicate you by the authority of Blessed Peter, Prince of the Apostles, so that you may neither presume the episcopal chair among those same peoples, that is, in the churches of Trivento and Termoli, nor have permission to exercise any episcopal office in any other church.

Finally, knowing that although this was possessed by the ancient pontiffs, we return all things, and parishes, and dioceses intact to the principality of Benevento, and renew and confirm them to the same John, bishop of Benevento, and to his successors, to be possessed in perpetuity, without anything to be diminished by our successors.

Therefore, admonishing and commanding, we excommunicate by the authority of Blessed Peter, Prince of the Apostles, the clerics and all the people of Trivento and in Termoli, so that if […] without the gastalds, ministers, or clerics. If the people of those cities presume to receive the aforesaid Leo, monk, and Benedict, likewise presbyter, to exercise the pontifical order in those cities, they remain bound under the bond of anathema.

If anyone, which we do not wish, shall presume to oppose these things which have been established by us for the praise of God, for the stability of the said church of Benevento, or to transgress in anything, or to diminish the boundaries, let him know that he is bound with the bond of anathema, and condemned with Judas, the traitor of the Lord, and with all the impious, to eternal punishment.

But he who, through devotion, observes and in all things guards this apostolic constitution, considering it for the worship of God – may he receive the grace of blessing from our most merciful Lord in abundance. May he deserve to partake in eternal life.

Given through the hands of Stephen, *primicerius* of the holy and Apostolic See of Rome, in the first year, by the grace of the Lord, of the pontificate of lord Agapetus II, pope, in the most Holy See of Blessed Peter the Apostle, indiction five.[268]

K.V.

Letter from Pope Agapetus II to Adalgag, Archbishop of Hamburg.

He confirms the union of the Church of Bremen with that of Hamburg, and the other rights of Hamburg.

(Year 948)

Agapetus, bishop, servant of the servants of God, to the most reverend and most holy Adalgag,[269] Archbishop of the Church of Hamburg, and to your successors in perpetuity.

It is fitting for apostolic moderation to aid those strong in piety with benevolent compassion, and to impart eager devotion to those who ask. From this, we will undoubtedly earn the foremost reward from the Creator of All, if venerable places are brought to a better state in due time.

You requested that we confirm to you the archbishopric of the Church of Hamburg in its entirety, as decreed by our predecessor lord Pope Nicholas I of this Apostolic See. Inclined by the prayers of Hadamar, Abbot of Fulda, we grant by apostolic authority, together with all places generally and specially pertaining to the archbishopric, all that your predecessors acquired by their labours, or which by the love of the eternal homeland have been granted by the faithful Christians; also those now converted to the faith, namely bishops of the Danes, Norwegians, Swabians, and all the northern regions; also the pallium, and the use thereof,

[268] The fifth indiction ran from 24th September, 946 to 23rd September, 947.
[269] Adalgag of Hamburg (936-988).

made by the aforesaid pope [Nicholas], to be held by you and all your successors in perpetuity.

Furthermore, we decree that no archbishop, whether of Cologne or any other, may claim any power in your diocese. Indeed, we exhort them and all cultivators of religion to render aid and consolation to you in all things. By the grace of this benefit may they merit to receive full reward from the Lord, providing all that is profitable for the Church, to be done and supplied by the authority of Almighty God and the blessed apostles Peter and Paul.

By this decree we decide, according to the sanction of the aforementioned pope of good memory Nicholas, and the vow of the most reverend king Louis, that the dioceses of Hamburg and Bremen, shall henceforth be not two but one and be called one. Whoever opposes or contradicts, and by any means plots against our pious designs, we strike with the words of anathema, and by the lot of devilish punishment doom them. Following the example of our predecessors and zealously defending the cause of God, we fortify it against adversaries on all sides.

By apostolic authority we also command and admonish Bernard, bishop of Alverstade, Thidard of the Church of Hildesheim, and the other neighbouring bishops, to assist you in all things, so that you may fulfil the priestly ministry and more easily acquire the gain of souls for the Lord Jesus Christ.

By apostolic authority and under the interdict of divine judgement and the curse of anathema, we decree that no person, great or small, of whatever order or dignity, may violate anything granted to your Church by us or our predecessors. Whoever presumes to change or violate anything, unless he repents, let him be bound by the perpetual anathema, by the authority of God, of Blessed Peter, and of us, who act in his vicarship.

But whoever is the guardian and observer thereof shall deserve to obtain the grace of blessing and the reward of heaven from the just judge, our Lord God.

Written by the hand of Arron, *notarius, regionarius* and *scriniarius* [archivist/scribe] of the Holy Roman Church, in the month of January, indiction six [A.D. 948].[270]

Given on the fourth day before the Nones of January [2nd January] by the hand of Andrew, *arcarius* [treasurer] of the Apostolic See, in the most sacred See of Blessed Peter the Apostle, indiction six.

K.VI.

Letter of Pope Agapetus II to Abbess Windilgarda

The monastery of Gandersheim, constructed in Saxony, is received under the protection of the Apostolic See, and is endowed with various privileges.

(Year 948)

[In Coquelines, *Bullarium,* vol. I., p.251.]

Agapetus, bishop, servant of the servants of God, to Windilgarda, abbess of the venerable monastery of Gandersheim, constructed by Otto, count of Saxony, and to the other abbesses of her rank in perpetuity.

Since things according with reasonable desires must always be granted, the authority of pious preservation must not be denied to the devoted founder. The venerable abbot Hathumar asked, through his intervention and entreaty, that we confirm by apostolic authority your monastery of Gandersheim, situated next to the river Aterna, and that it be constituted under the jurisdiction of our holy Church (which by God as author we serve), so that it be subjected to the jurisdictions of no other church. Favouring these pious desires, by our authority we bring into effect that which is requested.

[270] Indiction six ran from 24th September, 947 to 23rd September, 948.

And so we forbid, by our authority, any priest of any church whatsoever to have any jurisdiction in the aforesaid monastery, except the Apostolic See.

By the authority of the blessed apostles Peter and Paul, we command that no king, except with your permission, shall give the monastery to any men in benefice. Being subject to the Apostolic See by firmness of privilege, the monastery shall remain unshaken in the places and possessions with which it is enriched – those it has or possesses at the present time, and those which divine piety shall increase for the same monastery in future times. Further, it shall enjoy perpetual security in the gifts, offerings, and tithes of the faithful without contradiction from any person.

When the abbess of that monastery departs from this world, let it be permitted to no one to appoint any abbess save from that same community, if such a one is found who is worthy before God. If perchance such a one is not be found there, let the king appoint such an abbess as shall please God worthily.

We further decree that any person, of whatever dignity, who attempts to violate this charter of our privilege (confirmed by the authority of the Prince of the Apostles), shall be *anathema*. Incurring the wrath of God, he shall exist banished from the company of all the saints. The dignity of the aforesaid monastery, granted by us, shall remain perpetually inviolate, supported by apostolic authority.

Written by the hand of Stephen, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January, in the sixth indiction [A.D. 948].[271]

Farewell.

Given on the third day before the Nones of January [3rd January], by the hand of Andrew, *arcarius* [treasurer] of the holy Apostolic See, by divine grace, in the second year

[271] The sixth indiction ran from 24th September, 947 to 23rd September, 948.

(with God propitious) of the pontificate of Agapetus the Younger, supreme pontiff, in the most Holy See of the blessed apostle Peter.

K.VII.

Privilege of Pope Agapetus II for the Monastery of St Boniface at Fulda.[272]

He confirms the privileges of the Fulda monastery, 'newly renewed.'

(Year 948.)

[From Dronke, *Codex diplomaticus Fuldensis*, p. 320.]

Agapetus, bishop, servant of the servants of God, to the venerable abbot Hadamar, and through him to the monastery first founded by St Boniface and newly renewed, and to his successors, the abbots, in perpetuity.

Since things according with reasonable desires must always be granted, the devotion of the founder shall not be denied in the granting of privileges. You asked of us that the monastery of the Saviour, first constructed by St Boniface and newly-built by you in the place of Boco near the bank of the river Fulda, be adorned with the insignia of the privilege of the Apostolic See. Being placed under the jurisdiction of our Church (which, with God as author, we serve), it shall be subject to the jurisdictions of no other Church.

Favouring pious desires, by this authority we bring into effect that which is asked.

And so we forbid any priest or bishop whatsoever to have any authority or jurisdiction in the aforesaid monastery, apart from the Apostolic See. Unless he shall have been invited by the abbot of the monastery, no one shall celebrate there the solemnity of Masses. Being subject to the Apostolic See by the firmness of privilege, the monastery shall remain unshaken, endowed with places and properties, both those it presently holds or possesses, and

[272] The monastery at Fulda was dedicated to the Holy Saviour, and only founded by St Boniface.

those which in future times divine piety shall increase for the venerable monastery from the gifts and offerings and tithes of the faithful. Without the contradiction of any person, it shall enjoy perpetual stability.

We also establish through the page of our decree that whoever violates this charter (which we establish by the authority of the Prince of the Apostles) shall be anathema, whether they be a prelate or a person of whatever dignity. Incurring the wrath of God, they shall be cast out from the company of all the saints. The dignity of the aforesaid monastery, granted by us, shall remain perpetually inviolate, supported by apostolic authority.

Written by the hand of Stephen, *notarius regionarius* and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of January and the sixth indiction [A.D. 948].[273]

Given on the fourth day before the Nones of January [2nd January].

K.VIII. *

Letter of Pope Agapetus II to Gerard, Archbishop of Laureacum (Lorch).

He settles the dispute of the Churches of Laureacum (that is, Passau) and Salzburg. He assigns western Pannonia to Salzburg; to Laureacum (as the older) the honour of blessing and of the See, and eastern Pannonia, the regions of the Avars, Moravians, and Slavs: the power to preach freely through all the lands of the Slavs, to ordain bishops there, and to establish all things with apostolic authority.

(Year 948).

[In Mansi, *Councils*, vol. XVIII, p.405.]

[273] The sixth indiction ran from 24th September, 947 to 23rd September, 948.

Agapetus, bishop, servant of the servants of God, to the most beloved and most reverend brother Gerard, Archbishop of the holy Church of Laureacum [Lorch], greeting in Christ.

Your petitions for the renewing of the privileges of your Church were conveyed to us with great good-will by Hademar, the venerable abbot of the monastery of Fulda, who came hither for the purpose of prayer. Likewise, he sorrowfully announced the very grave quarrels and disputes between you and Archbishop Herold,[274] arising from the authority of the pallium claimed on both sides in one province. With due pastoral care, we lament with excessive grief of heart, and we utterly detest it.

The holy and universal Church, over which by God's appointment we preside, is supported by so many columns – by its religious and peaceful priests it is strengthened in unfeigned charity. When they disagree, and high pontiffs swell with pride in hostile conflict, the Church, as though its supports had been torn out, is shaken from its proper standing – not without great danger and loss of strength. Moreover, while this contention is carried on stubbornly for the external honour of the pallium, the internal beauty of the priesthood is hollowed out through fraternal rivalry.

Therefore, brother, our office is this. The fuel of enmities grows in you, but the dissension of God's holy Church and scandal should not be nourished any longer. We approach to separate your quarrel as arbiters, out of the solicitude of the government entrusted to us by the Lord, and moved by love for you both. Thus, we may duly satisfy justice with reasonable judgements concerning your aforesaid conflict, and, all controversy dismissed, recall you into fraternal concord under Christ's guidance.

It is known, and is attested by letters in our possession, in what places the dignity of the pallium ought to be bestowed by this Apostolic See. The city of Laureacum is of old a

[274] Herold of Salzburg (c. 939-958). See L.XVIII for Herold's later fate.

metropolitan See and the seat of an archbishop, over which your holiness is known to preside. We read the authentic privileges sent to us by you, and likewise we found certain copies, exceedingly worn by the age of the parchment, discovered in the archive of St Peter.

We know the See of Laureacum to have received in the beginning of the nascent Church, and in the most savage persecution of Christians, the first rudiments of the catholic faith from the teachers of this See. From that point, by succeeding preachers, the grace of the same faith flowed into the provinces of Upper and Lower Pannonia. And over these two provinces and their bishops, down to the times of the Huns, no one presided except the archbishop of holy Laureacum.

The barbaric ferocity of the archbishop[275] not only laid waste the aforesaid city of Laureacum, but also utterly destroyed the surrounding adjacent regions. Then indeed the bishops, compelled by necessity, with that See abandoned and transferred elsewhere, also abandoned the archiepiscopal honour of that See. But in modern times, and not very long past, when the kingdom of the Bavarians was vacant from an apostolic vicar, Arno was appointed the first archbishop of the holy Church of Salzburg. This the ancient history of the sacred archive testifies.

But now, since Christ has been favourable to mortals and has granted the holy Church of Laureacum peace from enemies and the security of dwelling, the chair of your fraternity ought to be held nowhere else. We re-enthrone you in that Church, executing the sanctions and statutes of the holy Fathers, our predecessors, and also of the lord Leo of blessed memory,[276] the pope by whom Your Excellency was gifted with the pallium and privilege.

[275] One might expect this desolation to be a reference to the Huns, but no. The Latin text seems to blame the archbishop: Quibus etiam duabus provinciis, illarumque pontificibus, usque ad tempora Hunnorum non alius, quam sanctae Lauriacensis praefuit archiepiscopus, quorum barbarica feritas non solum praedictam Lauriacensem civitatem, verum etiam in circuitu adjacentes regiones depopulavit atque funditus desolavit.
[276] Pope Leo VII?

We absolve, and raise the holy Church of Laureacum to the metropolitan summit by the power of the blessed Peter, Prince of the Apostles. We confirm and strengthen with our own hand the privileges sent to us, and ratify that they be valid. Again, we hand to you the pallium with the present decree, to be held perpetually (according to the use previously granted) by you and by all your successors.

With these things squared to justice, we settle your quarrels and the dissensions arising from the aforesaid cause, and reconcile you in fraternal love, such that the honour of the pallium, now received by each of you, be kept uninjured. We exhort that, established apostolically, you henceforth remain no longer in contention and rivalry.

Canonically, single metropolitans are ordained for single provinces. Accordingly, we judge it good to distribute and determine your dioceses thus:

The two provinces of Noricum being divided, to Archbishop Herold we commit the care and guardianship of western Pannonia. To you and your successors (on account of the merited antiquity of the holy Church of Laureacum, to which by right the reverence of the younger rises) in the order of blessing and of the See placed over and above, we entrust the charge of eastern Pannonia, and the region of the Avars and Moravians. Also of the Slavs who are now Christians, or who are yet to be won for Christ through baptism, dwelling all around. We delegate to you our apostolic role to preach in those parts, and to appoint bishops wherever there is need according to your judgement, and to arrange and establish all things with such authority and power as if we ourselves were present.

But if the aforesaid Archbishop Herold, or any of his successors, is not content with the fixed boundary, but persistently attempts to reclaim the diocese forbidden to him and separated from his power – that is, if he is not restrained from the schism of prohibited contention by our apostolic traditions and determinations: let him be utterly deprived of the

largess of his dignity, and according to the earlier law let Upper Pannonia be joined again to Lower. Let both perpetually lie under your rule and that of your successors.

Those who cheerfully assent, and give approval to these most salutary decrees, we bless and recognise as Catholics. Those resisting, and striving to weaken or altogether overturn them, we strike sternly with the anathema "Maranatha" of the Holy Trinity. We condemn them with the apostolic sentence by which Ananias and Sapphira were punished, and we appoint them to be punished with everlasting torments, together with the blasphemers of the Holy Spirit.

K.IX. *

Pope Agapetus II admonishes the bishop of Viterbo to provide military support to the city of Pisa.[277]

(Year 948).

[Zimmermann, *Papsturkunden*, vol.I., p.206.]

Agapetus, universal bishop of the Church of God, to our most beloved brother, the bishop of Viterbo, eternal greetings in the Lord.

Considering the devoted constancy which our most beloved sons, the citizens of Pisa, show toward us and the general Roman Church, for which constancy it is said that they have incurred the hatred and serious enmities of some, we deem it worthy and reasonable that they should be aided by us.

Wherefore we command you, by apostolic letters, that you provide the community with cavalry and infantry aid, without delay, if they request it from you in their need. It would

[277] For the addition of this letter to the corpus, see the Translator's Note above.

be very pleasing to us if you, dearest brother, were to provide a people conspicuous for strength, arms, and piety with benevolent and favourable assistance.

Given at Rome, on the third day before the Nones of August [3rd August], in the third year of our pontificate.[278]

K.X.

Pope Agapetus II confirms to Archbishop Peter IV of Ravenna, according to his request and by appeal to Marinus II, the possessions of his church, and in particular the bishopric of Cervia.[279]

(Year 948).

[Zimmermann, *Papsturkunden*, vol. I., p.207.]

Agapetus, bishop, servant of the servants of God, to our most reverent brother Peter,[280] archbishop of the holy church of Ravenna, and through you to the holy church of Ravenna and to your successors as archbishops forever.

The condition of the holy churches of God is advanced by the teachings of the blessed Prince of the Apostles, Peter. When it falls, it is restored by his support.

It is necessary and fitting that the holy church of Ravenna, suffering diminution and lacking the fullness of its dignities, be quickly restored, so that it may not fail to honour the metropolitan See. Recognising that Ravenna is diminished in all things, it is fitting to extend our helping hand to its restoration, so that, having drunk from the source of the blessed apostle Peter, and with Christ assisting, it may be restored to its honours.

[278] Agapetus II became Pope on 10th May, 946. August 948 would indeed be the third year of his pontificate.
[279] For the addition of this letter to the corpus, see the Translator's Note above.
[280] Peter IV of Ravenna (927-971).

And therefore all the devotees of the holy churches and the faithful should know that Peter, venerable archbishop of the holy church of Ravenna, has humbly requested of our apostolic authority that we confirm the precepts issued to the aforesaid church, and which were granted and bestowed to the same Peter, archbishop, by our predecessor, the most holy pope Marinus [II].

To these prayers, moved favourably by divine love and by the blessed Apollinaris, pontiff and martyr of Christ, we willingly incline. We confirm and establish forever, without any diminution, according to the ancient custom of the aforesaid holy church of Ravenna, the bishopric of the holy church of Fioclensis [Cervia], with its parishes, titles, estates, hamlets, building-sites, saltworks, salt-revenues, or whatever else is situated in the mountains or in the plains that pertains to the bishopric of the holy church of Fioclensis.

Moreover, we consecrate the aforesaid holy church of Fioclensis to your church of Ravenna and to you and your successors forever, and we confirm that the due obediences, which your predecessors were accustomed to render, shall be rendered to your church and to you and your successors, from this present seventh indiction[281] forever, so that in the bishopric of the holy church of Fioclensis a bishop may be consecrated.

Stating and promulgating before God and His terrible future judgement, by this apostolic privilege we sanction, and by the authority of the blessed Peter, Prince of the Apostles, we decree. We solemnly invoke the future pontiffs as well as all who perform ecclesiastical functions, and great and small persons, and anyone of whatever dignity, concerning these things, that in no way may they alienate them. That is, those things brought together into the aforementioned bishopric and specially joined by apostolic writing.

If anyone (which we do not believe), by rash audacity should act against that which has been piously and firmly disposed by our authority through this privilege, or resists those

[281] The seventh indiction ran from 24th September, 948 to 23rd September, 949.

things established by us to the praise of God, or transgresses in any way, let him know that by the authority of the blessed Peter, Prince of the Apostles, whose unworthy vicar we are, he is bound by the bond of anathema. He is to be consigned with the devil and his most atrocious pomps, together with Judas, the betrayer of our Lord Jesus Christ, to the punishment of eternal fire. Moreover, he will pay three pounds of refined gold to the holy church of Ravenna if he has been a violator of this voluntary confirmation and has acted against our precept. We do not allow violators of our precept to escape unpunished.

But truly, he who with pious intent is an observer in all things, keeping faithfully the constitutions of this privilege for the service of God, may receive the grace of blessing from our most merciful God in manifold measure, and may partake in eternal life, and remain united with all the saints.

Written by the hand of Stephen, *notarius, regionarius,* and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of October and in the seventh indiction.[282]

Farewell.

K.XI. *

Pope Agapetus II confirms the possessions of the monastery of Montolieu under Abbot Tresmirus.[283]

(Year 949).[284]

[Zimmermann, *Papsturkunden*, vol. I., p.211.]

[282] The seventh indiction ran from 24th September, 948 to 23rd September, 949.
[283] For the addition of this letter to the corpus, see the Translator's Note.
[284] Zimmermann dates this letter as December 949, clearly running with the reference to the fourth year of Apapetus' papacy (May 949-May 950). However, the references to the seventh indiction would point to December 948.

Agapetus, bishop, servant of the servants of God, to Tresmirus, humble abbot, and to Huguobald the monk, and to John the monk, and to Andrew the monk, and to Sancio the monk, and to all the priors and brothers and servants of the venerable monastery of St John the Baptist, called Castrum Malasti, situated above the river Duranus, in the territory of Carcassonne, and to the brothers of the monastery in perpetuity.

When things are hoped for from us which accord with reason, it is fitting for us to gladly grant them and to bestow assistance appropriate to the petitioners.

You have asked that the venerable monastery pertaining to you, in which you dwell and remain, be granted to you, together with its houses and vineyards and lands, meadows, pastures, woods with fruit-bearing, fruitful, or unfruitful trees, streams with their watermills and with their heads of the waters (caput aquarium), as well as the villa called Valeriano with the church of St James, with all its endowment and its tithe, and the villa called Foedos with the church of St Mary, with all its endowment and tithe, likewise the villa called Sicca with the church of St Eugenia, with all its endowment and tithes, and also the villa called Caueuer with the church of St Stephen, with all its endowment and tithes.

Likewise the villa called San Jaco with the church of St Stephen, with all their pertinences and tithes, and the villa called Monte Conilio with the church of St Saturninus, with all its endowment and tithe, likewise the villa called Ventennaco with the church of St Stephen, with its tithe and its pertinences, and the villa called Rancindo with the church of St Martin, with all its endowment and tithe, and also the villa called Guititzani and the Manianacum with the church of St Romanus and with its endowment and tithe, as well as the monastery called St Martin with its adjacent lands, and the villare called Douellij, and the villare Rerelletus, and the villare Laucertaco, and the other villa called Bordiis and another villa called Broxas, and another Raxebitus, and another villa called St Cecilia, and another called Grecentarius, and Villareleto with the church of St Stephen, Villanoua with the church

of St Martin Truliario, called the church of St Martin, with its aqueduct and with streams and heads of the waters (caput aquarium), waters, and the village Fructuosum with its pertinences, Auoleuilla with the church called St Felix, St Cross with its adjacent lands, St Eulalia with its pertinences, and Braciliaco with the church called St Martin, Gunarmasia with the churches called St Mary and St Lucian and St Vincent, or by whatever other names they are called.

All these you hold and possess for the venerable monastery of St John the Baptist, called Castrum Malasti, and likewise all portions of the monastery of St John the Baptist wherever they lie.

If anyone shall contradict this precept or not believe these things above, or alienates the properties of that monastery of St John the Baptist, which is called Castrum Malasti, by device of cleverness, let him suffer a curse from God the Father Almighty, and from Jesus Christ His Son, and the Holy Spirit, and from blessed Peter the apostle. Let him be excommunicated by me, Agapetus the bishop, who am seated in that same See of blessed Peter the apostle. Let him be bound under the chain of anathema, and let him be estranged from the kingdom of God, and let him have a share with Annas and Caiaphas and with Judas, the betrayer of the Lord Jesus Christ.

But if anyone keeps these things which are read above, and does not defraud the property of the monastery nor contend against it, nor cause trouble to the brothers, or sends his own goods to the monastery, may the blessing of our Lord Jesus Christ be upon them, and may they have a share in the resurrection, so that they may hear the voice saying to them: "Come, you blessed of my Father, possess the kingdom prepared for you from the foundation of the world."

Inclined by your prayers, through the series of this precept, we grant you the monastery of St John the Baptist with all its appurtenances, as they are read above, to be held from the present seventh indiction[285] by you and your brothers and retained forever.

We confirm this on the fourth day before the Kalends of January [29th December], through the hand of John, *nomenclator* and *defensor* of the holy Apostolic See, in the fourth year (God being favourable) of the pontificate of our lord Agapetus the Younger,[286] supreme pontiff and universal pope, in the most Holy See of the blessed apostle Peter, in the month and indiction above-written, the seventh.[287]

K.XII.

Letter of Pope Agapetus II to Aymard, Abbot of Cluny.

A privilege of the Abbey of Cluny.

(Year 949).

[In Mansi, *Councils*, vol. XVIII, p. 408.]

Agapetus, servant of the servants of God, to our beloved son Aymard, venerable abbot of the monastery of Cluny, built in honour of the blessed apostles Peter and Paul, situated in the Mâconnais district, and through you in the same monastery, and to your successors in perpetuity.

It is fitting for apostolic authority to piously aid the devout petitions of the faithful, and to give assent to them with eager devotion. For from this we shall earn reward from God, the creator of all.

[285] The seventh indiction ran from 24th September, 948 to 23rd September, 949.
[286] Agapetus became Pope on 10th May, 946. The fourth year of his reign would thus be May 949-May 950.
[287] December of the seventh indiction would be 948, which is not the fourth year of Agapetus' reign.

You asked that the monastery, in the state in which it was decreed by Duke William to remain by testament, be decreed by our apostolic authority to be subject to the Holy Roman Church (which, with God as author, we serve). Inclined to your petitions, we grant it to you to govern.

Thus let the monastery, with all its possessions, those it now holds or those which shall hereafter be delivered there, be free from the dominion of any king, bishop, count, or any of the relatives of William.

No one there shall presume to ordain a prelate against the will of the monks after your death; but the monks shall have free authority, without consulting any prince, to ordain whomever they wish according to the Rule of St Benedict. Unless, God forbid, they prefer to choose a person consenting to their vices. Whoever wishes this, let him be prevented with zeal for God.

As for tithes, which formerly pertained to your chapels, and were by modern authority or permission withdrawn by bishops, we restore them to you in full. The chapels, whether already built or to be built there, we allow to remain so that nothing of the tithes of your churches may be diminished. What our beloved son Bishop Bruno granted to you concerning the aforementioned chapels, we decree to be ratified and firm in perpetuity.

Furthermore, whatever pertains from the vineyards or cultivated lands to your portion, we decree that a portion of the tithes belongs to your guesthouse. Similarly with respect to those things you will receive, and that which Leobald left to the monastery. Similarly also that which pertains to Magione, or any other property belonging to the monastery.

We also confirm, by our apostolic authority, the abbey of the Carilocensian convent, which is attached to the monastery, the abbeys of St John and of St Martin, located in the suburb of Mâcon, and decree them to remain perpetually attached to the aforementioned place. No bishop, count, or any person may ordain anything there without the command of

the rector of the said place. Similarly, we decree concerning the Celsanica allod of Count Hecfred, which our son Stephen, rightly examining the matter for the remedy of all Christians, delegated in place.

Furthermore, we confirm with apostolic authority all the villas belonging to the Cluniac monastery: namely Solustriacum, Caninias, Seneciacum, Arpagiacum, St Victor, and Scociolas, Kaerdasemscum, Dabormacum, and Piscatoria, which they call Osa; Tosciacum, and the church of St Desiderius, Ambariacum, and Saviniacum allod, which Engelbald gave, and the allod which Waldo, coming to conversion, gave. Likewise, Amberiam, and the church of St Abundius, which Artaldus, dying, left to the aforementioned monastery. The church of St Saturninus, with all the allod which Archbishop Gerald gave to the said monastery.

And because the monastic order desires the utmost immunity, so we grant you, for respect is due everywhere to holy places, that no one may presume to seize or invade your municipalities or any of your possessions without your consultation.

To recognise that the aforementioned convent pertains to the holy Apostolic See, for protection and fostering, let ten *solidi* be given every five years.

If anyone resists this most salutary constitution, or corrupts any of these matters, and fails to observe all that we have enacted in this privilege, let him know that he is bound forever under the oath of divine judgement and the bond of anathema, unless he repents. He shall be alienated from the kingdom of God, and tormented endlessly with the devil.

But whoever shall be the guardian and observer of this most salutary sanction of ours, may he merit to receive blessing from Christ the Lord, and absolution from the holy apostles, judges of the world, here and in the future.

Written by the hand of Leo, notary of the king,[288] and *scriniarius* [archivist/scribe] of the Holy Roman Church, in the month of March, in the seventh indiction [A.D. 949].[289]

K.XIII.

Letter of Pope Agapetus II to Williarus the Abbot.

Confirms the judgement of Otto the Great regarding the matter of the immunity of St Maximinius'.

(Year 950).

[According to Hontheim, *Historia Trevirensis*, vol. I., p.284.]

Agapetus, servant of the servants of God, to the most reverend Abbot Willarus, the full demonstration of charity in Christ.

We received with great goodwill the messengers of Your Piety sent to the thresholds of the holy apostles [Rome], namely Asolf and Gunthar, and we kindly heard their legation before all the Roman clergy.

We know from their report that you have been often and greatly harassed by Ruotbert,[290] in this matter not at all, yet in others, by the venerable archbishop, because he wished unjustly to subject the monastery entrusted to you to the church entrusted to him. Save that you were protected by the just judgement issued from the royal dignity of the most serene Otto,[291] and by the charters of Charlemagne and other ancient kings read in full therein.

Therefore, the entire order of the Roman clergy, with our apostolic authority assenting, has decreed that over your monastery – that one founded near the walls of Trier in

[288] The Latin: Scriptum per manus Leonis notarii regis, et scriniarii sanctae Romanae Ecclesiae…
[289] The seventh indiction ran from 24th September, 948 to 23rd September, 949.
[290] Robert, Archbishop of Trier (931-956).
[291] Otto had become German King in 936. He would be crowned Emperor in February 962.

honour of St John the Evangelist, dedicated to the bodies of the saints Maximinius, Agritius, and Nicetius – the charters of King Otto and his predecessors, the kings of the Franks, remain immovable. The monastery shall remain now and forever under royal authority alone, and never be subjected to any other person, except the abbot whom the brothers of the monastery have elected in common accord according to the Rule.

But if the aforementioned archbishop, or any of his successors, or any other brother present or future in the same monastery, shall impiously and cruelly disturb the peace, unless first corrected by the present writing and thereafter admonished by apostolic authority, he shall be treated not as a pastor, but as a mercenary. If he persists in stubborn obstinacy, he shall be excommunicated by our apostolic authority. Resisting kings, dukes, and just judges, his will shall never prevail.

Written by the hand of a *scriniarius* [archivist/scribe] of the Holy Roman Church.

Given on the second day before the Kalends of March [28th February], in the eighth indiction [A.D. 950].[292]

Farewell.

K.XIV.

Privilege of Pope Agapetus II for the Monastery of Saints Germanus and Michael of Cuxa.

Confirms the privileges of the Cuxa monastery.

(Year 950.)

[According to D. Bouquet, *Recueil des historiens*, vol. IX, p.227.]

[292] The eighth indiction ran from 24th September, 949, to 23rd September, 950.

Agapetus, bishop, servant of the servants of God, to the beloved son Aymard, venerable abbot of the monastery of St Germanus and St Michael, situated in the Confluent Valley in the place called (Saint-Michel de Cusan) Coxano, and after you to your successors, abbots of the same monastery, forever.

Great solicitude and care weighs upon us for all the Churches of God, so that no lack of necessities may cause harm. Soniarius, religious priest and monk, coming on your behalf before our presence, requested that we confirm to you and your successor abbots, the above-mentioned monastery in its entirety, with all its boundaries, limits, and adjacencies, and all its appurtenances forever.

Inclined by your prayers, for the love of Almighty God and St Peter, we decree that the said monastery with its boundaries and limits:

Beginning from the east side, at the front along the summit of the Serra, which runs from Bovaria to Jove de Celerano, and goes from the very mountain called Laccarias, and thus goes through the Laccarias to Mount Canigone, and from the south faces the Mount Canigonis and descends along the Serra over the Miliarias, and reaches the cross over the curtes, then to Chero Clarinto, and reaches along the summit of the Serra to the Merdario stream, and from the west the Serra of Chero Clarinto, and reaches into the Merdario stream, and leads to the river Tede, and from the surrounding side faces the public road leading to the Two Sisters, and proceeds along the said public road to Litterano, then beneath St Felicius, and reaches to the estate of St Mary, and the village of Tauriniano with the church of St Fructuosus, with tithes and first fruits, and the church of St Martin of Clerano, and the church of St Andrew, founded in the village of Catellano with its estate, and the village of Torrente with boundaries and limits, as it resounds in your writings, and the Taresago valley and curtes, and the cell of St Vincent with its estate, as contained in your writings, and the estate of Tonegale, Manzunculas, Ocenias, Tres-Valles, Lare with the church of St Andrew, the cell

of St Thomas with its estate, the church of St Peter founded in the village of Inforcadis, Laguna with its church and your estates in these places.

In the county of Rossilion, in the village of Miliarii, in Camelas, in Relano, in St Felice, in the windy valley,[293] on Mount Auriolo, in the village of Insula, in the Locas valley, in Puio Nadalino, in the Vincano valley, and in Saorla, in Arbussolas, and in Planicolas, and Interrivos, and in the Molegica valley, in the village of Orto Falguerias, in the village of Arriano, in the village of Folioliis, in Verneto, in Corneliano, in the Foliano valley, in the Savrra valley, in Torre Sindo, in Pino, and in Campelias, and in Segondaniano, in Juloss, and in Flazano, and in Angerro, and in Enne, and in Porciliarios, and in Evole, in Altino.

And in the county of Cerdeniense, in the village of Sallagosa, in Onzes, in Annes. In Fenioletense, in the village of Tavernulas, in Sauriniano, or in Perolas, Vallemagna with its church, and in the Stavia valley. In the county of Bergitano, in the village of Gilmari, in the village of Canes, and in other places wherever the monastery's properties lie. And in the county of Rossilion, and in the Confluent valley, and in the county of Cerdaniense, and in the county of Fenioletense, or in Bergitano, in the places mentioned above and in the counties, as much as the monastery itself has and is contained or resounds in your writings, and with God's help you shall acquire, with the boundaries and limits, and demarcations of your monastery.

At the same time, we grant to you from your places first fruits and tithes, and oblations to be gathered to the aforementioned monastery with all its appurtenances […]

[…] of the Holy Roman Church, which we serve by God's authority, through this privilege we establish your monastery and all places or churches pertaining thereto, from the present ninth indiction,[294] forever, for you and your successors, servants of God residing

[293] The Latin: in valle ventosa.
[294] The ninth indiction ran from 24th September, 950, to 23rd September, 951.

there, to lead a monastic life, to govern it in fear of God, to hold it securely and quietly under the Rule and apostolic protection. We subject it to no other power.

Likewise, by apostolic authority, we command that the faithful of Christ be kindly received according to God in hospitality. And when you have been taken from this light, let no person there be chosen abbot except from the congregation [of monks] itself. Let an abbot be chosen according to God by the said congregation.

Moreover, we command by apostolic authority that no person, great or small, commit any violence or invasion in the aforesaid monastery or in its possessions.

Under the oath of divine judgement and the prohibition of anathema, we decree that no successor of ours, pope, or any great or small person, of whatever order, shall presume to break the authority of this apostolic privilege. For he who shall presume to act otherwise, let him know that he is bound by excommunication and the bonds of anathema, alienated from the kingdom of God, and that he shall be cast into the abyss and Tartarean Chaos[295] to perish with the wicked.

But whoever shall be guardian and observer of this most salutary constitution, may he worthily receive from Christ the Lord God our blessing, and absolution from the holy apostles, the judges of the world, here and in the future.

Written by the hand of Leo, *notarius*, *regionarius* and *scriniarius* [archivist/scribe] of the Holy Roman Church, in the month of December, in the above-mentioned [ninth] indiction [A.D. 950][296]

Farewell.

K.XV. *

[295] See earlier note on *Tartarean* (G.IV).
[296] The ninth indiction ran from 24th September, 950 to 23rd September, 951.

Pope Agapetus II confirms the rights of monastery of Fulda.[297]

(Year 950).

[Zimmermann, *Papsturkunden*, vol. I., p.214.]

In the name of the Lord God!

I, Agapetus, servant of the servants of God, to the most beloved son Hiltebrand, religious abbot of the venerable monastery of the Saviour, our Lord Jesus Christ, and through you in the monastery to all your successors, all abbots, in perpetuity.

Those things must always be granted which agree with reasonable desires. The devotion of the founder must not be denied in the granting of privileges.

You have asked that the monastery of the Saviour, built by St Boniface the archbishop in the place called Boconia, near the bank of the river Fulda, be adorned with a privilege of the Apostolic See. Placed under the jurisdiction of our holy church (which, with God as author, we serve), it would be submitted to the jurisdictions of no other church.

Favouring pious desires, by this authority we effect that which is requested.

We forbid every priest of whatever rank, or any bishop of any church, to have in the aforesaid monastery any jurisdiction or authority – except the Apostolic See and the bishop in whose diocese that monastery is built, to whom alone we grant permission, when the occasion of consecrating the altar shall arise. Otherwise, we forbid it. Unless he shall have been invited by the abbot of the monastery, no one at all shall presume to celebrate the solemnity of masses there.

That which is established as subject to the Apostolic See shall remain endowed and unshaken. The places and things it holds it may enjoy in perpetuity, without contradiction – both those things it presently holds or possesses, and those which in future times divine piety

[297] For the addition of this letter to the corpus, see the Translator's Note above.

shall have willed to increase in the right of that monastery from the gifts and offerings and tithes of the faithful.

We also command you and all your successors, abbots of the monastery, through the inviolable and most reverend obedience of the divine name, that you cultivate with every zeal and diligence the place entrusted to you, that you preserve the property and resources of the monastery under the fear of God, and that you grant or give none of those things which have been offered and consecrated to God to any layman or cleric as a benefice. Rather, you shall distribute all things in the service of God, and for the buildings of the monastery, and for the consolations of the poor and of guests, and in the stipend and clothing of the brothers, devoutly and faithfully according to the command of the Rule. You shall direct, correct, and preserve those brothers of yours in a fatherly manner in the place of blessed Benedict, and always attend to the care of the souls entrusted to you.

We also command through the page of this decree that whoever violates that which we have confirmed shall be anathema. Incurring the wrath of Almighty God, he shall be cast out from the assembly of the saints. Let the dignity of the monastery, granted by us, remain perpetually inviolate, supported by apostolic authority.

Given on the Kalends of October [1st October], in the ninth indiction,[298] by the hand of Leo the chancellor.

K.XVI.

Letter of Pope Agapetus II to Guisad,[299] Bishop of Urgell.

Confirms the privileges of the Church of Urgell.

(Year 951).

[298] The ninth indiction ran from 24th September, 950 to 23rd September, 951.
[299] Guisad II of Urgell (940-981).

[In Dom Bouquet, *Recueil des historiens*, vol. IX, p. 230.]

Agapetus, bishop, servant of the servants of God, to the most reverend and most holy Guisad, bishop of the holy Church of Urgell, and to your successors forever.

It is fitting for apostolic authority, strong in pious devotion, to lend benevolent compassion those who ask, and to grant assent to their eager requests. From this, we shall undoubtedly earn reward from the Creator of All, God, when venerable places, properly arranged, have been brought to a better state.

You requested from us that the bishopric of the Church of Urgell, with all its buildings, villages, churches, parishes, houses, vineyards, lands, fields, meadows, pastures, forests, salt-works, fruit trees and non-fruit trees of various kinds, wells, springs, streams, mills, fisheries, waters and water-courses, castles, mountains, valleys, hills, cliffs, and adjacent lands, whether cultivated or uncultivated, and also the possessions of the said bishopric, namely the *pagus* [district] of Cerdanya, Libianensis, Bergitano, Palliarense, as well as Ribacurcense, Jestabiensis, Cardosensis, Anabiensis and Tirbiensis, and the places of St Deodata with their boundaries, and Fencris with its boundaries, and Submonte with its boundaries […] be confirmed to you and your successors with all pertaining in perpetuity.

We also confirm the third part of the tolls of the bishopric, with its market rights, with all things generally and entirely belonging to the bishopric from all its places, from the territory of Urgell, Cerdanya, Bergitano, Palliarense, and Ribacurcense. Likewise, we confirm to you and your successors the first-fruits and tithes from the places and possessions of the bishopric. Furthermore, we establish that no one shall unjustly attempt to carry off anything from your clerics or from the laity of your bishopric.

The aforementioned bishopric, with all its possessions, has been confirmed and strengthened by the kings of the Franks through a royal precept. So too we confirm it with

our apostolic authority, now and in the future, over whatever you and your successors shall lawfully acquire, from the present year of the Incarnation of our Lord Jesus Christ 951,[300] tenth indiction.[301]

Inclined by your requests, through royal precepts and the series of this privilege, we confirm and establish forever to you and your successors, to hold, to possess, and to dispense and govern with the fear of God.

No king, nor prince, nor count, nor margrave, nor judge, nor any small or great person may ever presume to commit any violence or invasion in the bishopric, nor in its possessions. Under the entreaty of divine judgement and the interdict of anathema, we decree that none of our successors, pontiffs, nor any great or small person, shall dare or presume to act unjustly against this apostolic privilege, nor attempt to break it.

If anyone, which we do not believe, shall attempt to break it in any way, let him know that unless he repents, by the authority of God and of St Peter the Apostle, and by ours, which we exercise by his vicariate, he shall be bound indissolubly by the chains of anathema, alienated from the kingdom of God, and consigned to the devil and his most atrocious pomps, together with Judas, the betrayer of our Lord Jesus Christ, to the fire. Cast into the abyss and Tartarean[302] Chaos, may he perish with the wicked.

But whoever shall be the guardian and observer of this, may he receive the grace of blessing and the reward of heaven from the just Judge, our Lord God, and may he deserve to share in eternal life. Amen.

Farewell.

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[300] Migne has this as 991, a clear typographical error.
[301] The tenth indiction ran from 24th September, 951 to 23rd September, 952.
[302] For the issues of *Tartarean*, see the above note on letter G.IV.

Written by the hand of Leo, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of our holy Roman Church, in the month of December, in the aforementioned year [951], in the indiction above named.

K.XVII.

Privilege of Pope Agapetus II for the Monastery of St Mary of Rivipulla.

(Year 951.)

[In Dom Bouquet, *Recueil des historiens*, vol. IX, p. 229.]

Agapetus, bishop, servant of the servants of God, to Arnulf, religious abbot of the monastery of St Mary, Virgin, Mother of God, our Lady, situated in the county of Ausona, in the Riopullense valley between two rivers, and after you, to your successors as abbots of the venerable monastery, forever.

It is fitting for apostolic authority to assist those strong in pious devotion with benevolent compassion, and to grant assent to those asking. From this we shall undoubtedly deserve reward before God, the Creator of All, when venerable places, duly arranged, have been brought to a better state.

You have requested from us that we confirm to you and your successors the monastery with all its properties: churches, parishes, villages, estates, houses, hamlets, lands, vineyards, fields, meadows, pastures, woods, thickets, threshing-floors, wine-presses, watercourses, mills, with their associated structures and fisheries, cultivated and uncultivated, and also the surrounding places. As much as it is deemed to belong to the monastery, we confirm them to you, etc.

We moreover decree that when the abbot of this monastery departs from this world, neither kings, nor counts, nor any person for the sake of greed for money, nor for any vain

favour or glory, may appoint an abbot there. From all the servants of God of the aforementioned monastery, according to God and according to the Rule of St Benedict the Father, a worthy person shall be chosen abbot. The aforesaid monastery is situated in the territory of Ausona, in the Riopullense valley between two rivers.

We also establish for you and your successors from the lands and properties of the aforesaid monastery the first fruits and tithes. And again, we decree that no person shall unjustly impose tribute or carry off to unjust law any of the monks with lay persons.

The aforementioned monastery, with all its properties, has been confirmed and made secure by royal authority through the writ of the kings of the Franks, as inserted above. Now and in the future, whatever you and your successors may lawfully acquire, from the present tenth indiction [A.D. 951].

Inclined to your requests, and through the aforementioned royal decrees and the series of this privilege, we confirm to you and your successors to hold, to dispense, and to govern henceforth. No king, no prince, no count, no margrave, no judge, nor any small or great person may presume to cause any harm or invasion in the monastery, nor in its possessions.

Wherefore, under the threat of divine judgement and the ban of anathema, we decree that no small or great person shall dare or presume to act unjustly against this apostolic privilege, nor attempt to break it. If anyone, which we do not believe, shall attempt to break it in any way, let him know that, unless he repents, by the authority of Almighty God, and of St Peter the Prince of the Apostles, and of us, who exercise his vicarship, he shall be bound irreversibly by the chains of anathema, and alienated from the kingdom of God. With the devil and his most atrocious pomps, and with Judas, the betrayer of our Lord Jesus Christ, he shall be burned in eternal fire, and plunged into the abyss and Tartarean[303] Chaos, to perish with the wicked.

[303] For the issues with *Tartarean*, see the above note on letter G.IV.

But whoever shall be the guardian and observer of this privilege shall receive from Christ, our Lord God, the grace of blessing and the reward of heaven, and shall deserve to partake in eternal life.

Written by the hand of Stephen, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the Holy Roman Church, in the month of December, in the above-mentioned tenth indiction [A.D. 951].[304]

Farewell.

K.XVIII.

Letter of Pope Agapetus II to Abbot Suniarius.

He confirms the privileges of the monastery.

(Year 951.)

[In Dom Bouquet, *Recueil des historiens*, vol. IX, p. 231.]

Agapetus, bishop, servant of the servants of God, to Suniarius, the religious abbot of the monastery of holy Mary, Mother of God, our Lady, situated in the county of Carcassonne, upon the river Orbieu, and after you to your successors in the same venerable monastery forever.

It is fitting for apostolic governance to treat with kindly compassion those strong in pious religion, and to grant assent to the hearts of those who ask. From this we obtain reward from God, the Creator of all things, when venerable places, opportunely ordered, have been brought to a better state.

Through your legate, Arnulf, humble abbot (of Ripoll), you asked of us that we should confirm the monastery, with all its places: churches, villages, houses, lands, vineyards, fields,

[304] The tenth indiction ran from 24th September, 951 to 23rd September, 952.

meadows, pastures, woods, scrublands, threshing-floors and wine-presses, waters, water-courses, mills with their head-waters and their fisheries, cultivated and uncultivated.

Also those places, in the county of Carcassonne, the village Agrifolium, with the church of St Cyricus with its boundaries and limits; also the village Verzeliano with the church of holy Mary and its boundaries; and the village Cucuniano with the church of holy Mary and its boundaries; also the half, and whatever in the already-said county that place […] earlier […] we confirm; and in the county of Toulouse, or in its vicarates, the church of holy Mary and of the holy Saviour, and of St John in Ercinus, and the place Camboni with all things belonging to it; and whatever Simplicius the archdeacon granted with his kinsmen, as in their charters, or whatever hereafter you shall acquire; and in the county of Razès, whatever the aforesaid Simplicius the archdeacon granted, both in the parishes and in the other places.

Also the village Boxamaurea and Aureliosa with all their rights; and in the suburb of Peyrepertuse which Roger gave in Cucuniano, Retgas in Ollito with the church, […] in Paterno from the village Corneliano up to the already-said, just as Holiba granted; the village Corneliano with its own church, the village Stagello with its church […] the village Gologias with its church; half of Vernettum with its church; the village Ripas Altas with its church; and the Villare itself with its church; the village Coningos with its church; and in the villages Palsas, and in the village of Canona, fisheries; and in the county whatever you have in the meadows and the boon-lands; in the county of Girona, the church of St Felix, in the village Lorostaria, and its church; in the county of Besalú, the church of St Stephen and St Peregrinus, and also the village Enuscho and Mediano with the church and its appurtenances; and in Barcelona, and in Osona, and in Cerdanya, and in Cabestany, and in Albigeois, and in Minerve, we confirm; and in the county of Narbonne, the village Ercia with its church; and on the island of Sici the church of St Peter with its appurtenance, and whatever Remigius the

archdeacon gave; and in Toulouse the village […] and Palma, and in the village Alianto and Fabriciano and Ferrales, Fabarios of St Stephen and St Genesius; and in the village Miliano whatever they have there.

In the county of Osona, the church of St Martin, with its tithes and appurtenances, and also in the village R….ano and the villare Asenario; and in Salmas near Narbonne and next to the lagoon, with all things belonging to the monastery.

We confirm for you the bridge-toll (pontaticum), mooring-fees (ripaticum),[305] salt-tax (salinaticum), and market-toll (toloneum), just as the kings granted to you by their charter.

We further decree that, when the abbot of this monastery shall have passed from this world, no kings, nor counts, nor any person for the cause of greedy money, nor for any vain-favour of empty glory, shall appoint an abbot there. But by all the servants of God in the monastery, according to God and according to the Rule of St Benedict the Father […] abbots shall be chosen. The monastery is situated in the territory of Carcassonne next to the pagus [district] of Narbonne.

Likewise, we confirm to you and your successors, from the places and appurtenances of that holy monastery, the first-fruits and tithes. Again, we establish that no person shall presume unjustly to impose distraint upon the monks abiding in your monastery, or to drag them to an unjust law with a layman.

The monastery was confirmed and strengthened by the charter from the king of the Franks. So also by our apostolic authority, as is inserted above, […]

Inclined by the prayers of your aforesaid legate Arnulf the abbot, and through the aforesaid royal charters and other privileges, we confirm and establish this for you and your successors forever to hold, to administer and to rule with fear of God. No king, no prince, no

[305] Migne has it as raptaticum, which I believe is an error for ripaticum.

count, no margrave, no judge, nor any person great or small, shall presume to invade the monastery or its appurtenances.

Proclaiming under the adjuration of divine judgement and the interdict of anathema, we decree that none of our successor-pontiffs, nor any person great or small shall presume to act unjustly against this apostolic privilege, nor attempt to break it.

But if anyone (which we do not believe) shall attempt to break it, let him know that, unless he repents, by the authority of almighty God and of St Peter, Prince of the Apostles, and of ourselves, who exercise his vicariate, he is to be bound indissolubly in the chains of anathema, and to be estranged from the kingdom of God. With the devil and his most atrocious pomps, and with Judas the betrayer of our Lord Jesus Christ, he shall be burned in eternal fire, and plunged into the abyss and Tartarean[306] Chaos, to perish with the impious.

Written by the hand of Stephen, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the holy and apostolic Roman Church, in the month of December, in the aforesaid tenth indiction [A.D. 951].[307]

Farewell.

K.XIX.

Privilege of Pope Agapetus II granted to Maimbode, Bishop of Mâcon.

Confirms the privileges and possessions of the church of St Vincent of Mâcon.

(Year 946–954.)

[According to Mansi*, Concilia*, vol. XVIII, col. 411.]

[306] For the issues of *Tartarean*, see the above note on letter G.IV.

[307] The tenth indiction ran from 24th September, 951 to 23rd September, 952.

Agapetus, bishop, servant of the servants of God, to the most reverend and most holy Maimbode, [308] bishop of the Church of Mâcon, and to his successors in perpetuity.

The condition of the holy churches of God is advanced by the teachings of the blessed apostle Peter, and that which has fallen is restored by his support. It is therefore necessary that the holy Church of Mâcon, enduring diminishment of its diocese and lacking in abundance of its dignities, be quickly restored so that it does not lose its honour.

Recognising Mâcon to be shaken in all things, it is fitting to extend our helping hand to its restoration, so that, having been fed from the font of the blessed apostle Peter and with the help of Christ, it may be restored to its honours.

All worshipers of the holy churches of God may know and be certain that Maimbode, beloved bishop, our spiritual son, has suggested to our apostolic charity that we grant to his canons and laymen dwelling in the Church of St Vincent the Martyr that no bishop be appointed from elsewhere except such as the canons, together with the religious laymen, shall have chosen among themselves, as the sacred canons judge. We also grant to him and to his successors that the due honour be always paid.

To the aforesaid canons we grant and confirm all things which, by the commands of kings or by the gift of the goods of the faithful, have been [lawfully] acquired, so that they may hold them irrefragably and without any contradiction in perpetuity.

The abbey of St Clement the Martyr, in the suburb of the aforesaid city, with all integrity, and its churches and lands, and its female and male servants, are granted to Bishop Maimode; as well as the church of St Desiderius in the villa of Vergiacum, with the little land of St Peter adjoining from the bishopric, and also the church of St Romanus in the villa of Cathenacum [or Cadeniacum].

[308] Maimbode of Mâcon (938-958).

Moreover, the ninths and tithes and from the furnaces of the aforesaid pagus [district], and a third part of the grove near the river Arar, from the stream, and the villa of Adolanum. Pious King Louis, our beloved son, granted this regarding tithes and land with consent to the aforesaid bishop Maimbode, and also with the consent of Hugh the margrave and Leothald the most moderate count, whose spirit burned for the advancement of the aforesaid church.

We, by this apostolic privilege, grant this in perpetuity, with the tithes of St Alban the Martyr and Gisarius. Now and in the future whatever has been or shall be donated or granted, or whatever divine piety may wish to increase in the future, the canons may hold and possess without molestation or compulsion.

Furthermore, no king, duke, count, or public officer or collector may presume to impose any service, burden, or command upon the bishopric, except insofar that the faithful canons may wish to grant to someone for their goodness.

We decree and promulgate before God and His fearsome scrutiny, by the confirmation of this apostolic privilege, and by the authority of the blessed apostle Peter, that future pontiffs and those exercising ecclesiastical functions, as well as great and small persons of whatever dignity, may not alienate any of these chapters which have been granted by us, by the grace of apostolic intercession.

If anyone, which we do not believe, shall rashly attempt to oppose what has been piously disposed by our privilege, or transgresses that which has been ordained by us for the praise of God, let him know that he shall be bound by the indissoluble chains of anathema by the authority of the blessed apostle Peter, as whose vicar we act. He shall be alienated from the kingdom of God, and burned with the devil and his most atrocious pomps and with Judas the betrayer of our Lord Jesus Christ in eternal fire.

But he who shall be a pious guardian and observer, keeping what has been established by this apostolic privilege in reverence of God, may receive eternal blessing from the most merciful Lord, our God, and may partake in eternal life.

K.XX.

Letter of Pope Agapetus II to the Arverni (Auvergne).

The plunderers are to be kept away from the monastery of Celsinianias.

(Year 946–955.).

[According to D. Bouquet, *Recueil des historiens*, vol. IX, p.232.]

Agapetus, bishop, servant of the servants of God, to all the sons of the holy Church living in Auvergne, perpetual peace and eternal salvation in Christ Jesus.

We stand amazed that those of you to whom pastoral care has been entrusted keep your eyes and minds closed. You allow the holy Church, as has been told to us, to be torn apart by the rage of the wicked, to be laid waste, to be despoiled of goods. You do not oppose this as a wall for the house of Israel, nor, standing in battle on the Lord's day, do you resist the plunderers and robbers. Rather, seeing your mother dishonoured, you remain silent, nor do you rebuke the perpetrators with harsh invective.

You either ignore, or do not at all fear, that terrible voice which said: "Cursed is he who restrains his sword from blood" (Jer. 48:10).

Wherefore we grieve with you all, fearing lest the wrath of God strike justly at the sanctuary thereof, that is, at the prelates, upon their sheep. You know, brethren, and whoever does not know let him learn, that the place Celsinianias was specially granted to the holy Roman Church, and has remained under its protection from the beginning. We decree that it must be loved with special affection, and at all times treated with manifold honour. Nor

without reason. The salutary fragrance of the monastic order, God granting, seems to blaze beneficially in our regions.

Therefore, we request and beseech, and demand with great prayer, that you care to show reverence to the aforesaid place, and that no one presume to disturb it. Regarding the land belonging to the aforesaid monastery, or concerning the monks, or anything of their household, if anyone holds anything unjustly against the will of the abbot, we, by our apostolic authority, command that he hasten to restore it without delay. If he does not do so, we order that he appear before our presence to give a reasonable account. If he even contemns to do this, let him be punished and wounded, bound by the terrible chain of anathema of our excommunication, we who, though unworthy, act in the place of the blessed Peter.

Specially, we beseech and command the lord Stephen, bishop of Auvergne, in whose diocese the Celsinianias monastery is situated, that he strike with the sword of excommunication without delay all those who devastate the possessions of the monastery, or bring harm to the household of the monks dwelling there, and sequester them from the thresholds of the holy Church of God until they are compelled to make worthy satisfaction.

K.XXI. *

Letter of Pope Agapetus II, to Landulf, Prince of Capua.

He admonishes that he not violate the liberty of the monastery of Capua.

(Year 946-955).[309]

[Gattula, *Historiae Casilinae* (History of Capua), p. 190.]

Agapetus, bishop, servant of the servants of God, to Landulf, Prince of Capua.

[309] Zimmermann places this as 946-949.

We have heard, and we cannot speak without the greatest sorrow of heart, that the monks of the Cassinian monastery conduct themselves dishonourably and shamefully. How pernicious and how wicked this is, no faithful person is ignorant; for as the Prophet testifies: *"The stones of the sanctuary are scattered in the streets"* (Lamentations 4:1).

Those who ought to serve God in the monastery, as the Rule of St Benedict prescribes, dwell in castles and streets. Abandoning the regular life prescribed by the Rule of St Benedict, they serve their own will and the enticements of pleasure. In their own enclosures, their delight is in desire rather than in law.

This evil falls upon the head of your father, Landulf. Building a monastery within the city of Capua, not out of reverence for God but eager for the honour of worldly glory, he disregarded the peril to souls, and wished to subject the monastery to his dominion. Lying in sloth with a perverse flock, he imagined that the entire possession of the aforementioned monastery might, as it were by hereditary right, be left to him.

Hence we grieve greatly, and marvel at the blind desire of so great a man, that the church of Cassino, inflamed and overthrown, suffered its possessions contrary to the judgement of the Prophet: *"All the princes who said: Let us possess the sanctuary of God by inheritance; my God, place them as a wheel, and as chaff before the face of the wind, and as fire that burns the forests, and as a flame that sets mountains on fire"* (Psalm 82:13-15).

May God avert these things, if it is possible.

Having been frequently admonished while alive, he made himself culpable before his bishop, as Baldwin, abbot, testifies. He restored the monastery with all its possessions, in full, to the abbot, leaving no authority to himself or his posterity to rule further.

We, therefore, giving thanks to God for the reverence due to the blessed Father Benedict, decree that the Capuan monastery be ordained with the same abbot, and confirmed by our authority. We establish and ordain this by the authority of God and of the blessed

Peter, Prince of the Apostles: that in that monastery of Capua, built not for the love of God but for worldly desire, one, two, or at most three old monks, whose life is beyond doubt, be left to govern and guard it.

All other monks, both senior and junior, with all the possessions of the monastery, are to return to their proper monastery on Monte Cassino. There they shall serve God, living under the Rule of the blessed Father Benedict, as has been defined and promulgated from ancient times by our predecessors and by emperors and kings. Thus the monastery may be governed and administered forever with the fear of God under the guidance of the abbot, and not subjected to the dominion of any prince, duke, gastald, or any great or small person, but under our and the kings' protection.

Anyone who presumes to act otherwise, or attempts to make any ordinance concerning the monastery, or to invade the possessions of the monastery, or who attempts to break this apostolic command in any respect, let him know that, unless he repents, by the authority of God and of the blessed Peter, Prince of the Apostles, and of us, who act in his office, he shall be excommunicated. Deprived of the body and blood of Christ, he shall be separated from the fellowship of Christians. He shall be bound by the sanctions of this privilege under the chains of anathema.

But whoever is a custodian, observer, and helper shall receive the grace of blessing and heavenly reward from Christ our Lord God in abundance.

We command that this apostolic decree be kept as a testimony for the future concerning the aforementioned monastery.

K.XXII.

Pope Agapetus II and Bishop John II of Tivoli grant to the monastery of Subiaco.

(Year 953).

[Zimmermann, *Papsturkunden,* vol. I., p.229.][310]

By the order of Pope Agapetus the Younger (ex preceptione domini Agapiti iunioris papae), Bishop John II of Tivoli, with the agreement of his clergy, grants to the monastery of Subiaco (to the monastery of St Benedict and Scholastica, located in Subiaco) under Abbot Leo III the goods in question.[311]

K.XXIII. *

Pope Agapetus II confirms an inserted document concerning the border between Denmark and Sweden in Scania.[312][313]

(Year 954).[314]

[Zimmermann, *Papsturkunden*, vol. I., p.231.]

Agapetus, bishop, servant of the servants of God, to kings, princes, and illustrious dukes, and likewise to all others dwelling in the northern kingdoms, greetings and apostolic blessing.

How great a detriment to kingdoms, how great a confusion of the Christian people, and how great a destruction of churches discord and enmity bring about. Day by day, the neighbouring cruelty of pagans gapes eagerly, and tends towards the desolation of the whole land. The Truth itself, which is Christ, teaches us in the Gospel, when He says: *Every kingdom divided against itself shall be laid waste, and house shall fall upon house.*

[310] Zimmermann, alas, only gives the title summary.
[311] For the addition of this letter to the corpus, see the Translator's Note above.
[312] Scania is the southernmost of the historical provinces of Sweden.
[313] For the addition of this letter to the corpus, see the Translator's Note above.
[314] Zimmermann's dating, based off the year of the pontificate, though there are issues with the indiction. See below.

On the other hand, the profession of the Catholic faith and a whole and blameless life (which has concord as its inseparable and undivided companion) both formerly in the primitive Church, in the time of Christ and the apostles, and likewise today, by the bond of harmony and unanimity, have put down deep and firm roots. With outstanding growth, they have been happily propagated and are being propagated among the newly converted Christians.

Most dangerous and long-lasting wars, cruel outpourings of blood, and other things that follow from these – bodily loss and eternal ruin – are calmed and brought to an end when emperors (upon whom it lies to have power over others) and their subjects clothe themselves mutually, as the elect of God, holy and beloved, with hearts of mercy, kindness, humility, modesty, gentleness, patience, long-suffering, bearing with one another and forgiveness. If anyone has a complaint against another, they shall follow the example of the Lord's forgiveness, thus fostering friendship and concord by the cherishing of peace and tranquillity, and by promoting other things which Christian religion requires. If any dissensions arise, utterly unworthy of Christians, they shall strive to restrain them, and endeavour to have peace with all people, as far as it is possible.

Divine and human law desires, and the debt of charity demands, that we ought to direct our efforts towards the common good and advantage. We have heard the most recent news of the conversion of your people, namely how, having abandoned the error of paganism, they have come to the truth of the Christian faith. We rejoice greatly in the Lord, giving thanks with our inmost heart to the merciful One, who has deigned to visit your minds with His light and to call you out of the darkness and the shadow of death into His marvellous light, so that, whereas you were dead, He might make you alive in Christ.

At the same time we have also implored His ineffable mercy, and continually wish and ask and beseech that God, who has begun a good work in you, may bring it to

completion, so that He may cause you both to flourish in this life by the grace of faith and by the fruits of good works, and in the future to be numbered among the companies of the saints.

It is well known – attested not only by Christians but also by many pagan peoples – that for many years there have been numerous stirrings of war and factions, on land and sea, among the northern kings, especially Uppsala and of Denmark, and among their subject men, concerning the prerogative of primacy, and concerning the land of Scania and the possession of what pertains to it, which each of the two eagerly covets.

Therefore, in order to prevent savage slaughter in the future, through the intervention of our beloved sons Amund, co-king of Uppsala, and Svein, sub-king of Denmark, in their own names and in the names of their parents and of others whose interest it is, for the prosperity and safety of the Church of God, newly made Christian, an agreement has been reached, and a decree issued concerning the primacy and the boundaries of the aforesaid kingdoms.

To this end, our aforesaid sons humbly press us, so that, by the power and authority received from the Lord, we may now indeed act. Not only over kings and princes, but over all Christians, our concern is constrained, insofar as from the universal governance entrusted to us the cause of all matters pertains to us more closely and more properly. Thus the pact of peace and friendship entered into between them may be preserved firm and inviolate.

The form of this pact, drawn up according to their ancestral custom and in the vernacular tongue, and transmitted to us, we shall here set forth word for word in the customary style of writing of our Roman curia, which is as follows:

The boundaries between the kingdoms of Sweden and Denmark:

Amund, king of Uppsala, and Svein of Denmark caused the boundaries to be set between the kingdoms of Sweden and Denmark.

They chose from Sweden: Talcald from Tiundaland in Uppland; Botild Tolle from Fjärund in Uppland; Botvider from Hälsingland, son of Thore; from Westmannia, Gaseus son of Rabbe; from East Gothia, Grimold; from West Gothia, Torstan son of Emund; from Södermanland, Grimold Nannir; from Scania, Dan; Grimolph of Grimultunum from Halland; Gunkild from Zealand; Ubbo from Fyn; Tolneus, Tokke's son Totte, from Jutland of the Cimbri.

These twelve set six stones between the kingdoms. The first stone was erected at Sunturvasa; the second at Danabekk; the third is a stone beside a certain temple, Kinnesten; the fourth at Uraksnaes; the fifth, called the White Stone; the sixth is the stone called Brimsius, situated between Blekinge and Möre.

The Danish island is divided into three parts: the king of Uppsala holds the greater and the first part; Denmark the second; and the king of Norway the third.

When the kings of these kingdoms assemble on the aforesaid island called Dana, the king of Denmark shall hold the bridle of the king of Uppsala, and the Norwegian king his stirrup. The point from which the making of these boundaries took its beginning is the island Dana. From there to the first stone at Sunturvasa. These better-known places are reckoned: Stamusund, Klifier, Natres, Lecres, Sletas, Flakbek, Samusio, Aldramanawbrekkiu, Dvergherit, Gnipe, Aennuos, Klintomose, Sinuas, Diupadal.

Now one begins from the first stone at Sunturvasa, from which to the second at Danabek these are the notable places: Lygni, Throsnaes, Ornabiargh, Gadnoror, Maedalsnaes, Wyslulandh, Unebiargh, Skutruas, Klokkobiargh, Milalka, Mese, Byuro, Spatuos, Astabiargh, Streku, Orsebugh, Osbuda.

Now one must begin from the stone at Danabek; from there to the next following stone the following places are specified: Skatusio, Bota Orsio, Rabek, Kunungiwadh,

Motaurtadal, Boksio, Bokebek, Fygildswijk, Baru. There West Gothia, Finwidhi, and Halland come to an end.

Now one must proceed from that third stone, adjacent to a certain Christian temple, through the places which follow: Ostwidhi, Spado, Spadobon, Tolesio, Saxsio, Maghiosio, Skarfsio, Hanao, Maul, Sando, Sandoos, Samsio; further on to Skausio, Skaubek and Ekebek, Ananitz, Watu, Rasio, Rakalf, Grenifal, Skatamosa, Hiordas, Niserkvid, Hinderos, Dumnekvildh, Dumnuros, Dumn; and moreover in a straight line as far as the lake Watur, where the fourth stone is placed at Uraksnaes.

From there to the fifth [stone] through the places Dali, Savartubiargh, Hiaertusnaesmose, Diupudahl, Hellewad, Foronaefemgreno, Uttirsfiaeldh, Musrenmio, Tranumose, Tranukvislir, Anenetranu, Miklemose, Spetu, Oru; now to Orswatnui, Aggu, Hednu, Almstareslidum, Naeshyl, Hierehowod, Tiudmerusund and to Lake Wener, and there that stone called the White is placed, the fifth in order.

From here to the sixth and final stone through the island Piitu, Tiaerunaglae, Odnem and Surdum to Aedndalaengum, Graednae, Hardamarslidir, and through half the forest of Odnaema and through the whole forest of Tisle, westwards towards Anafro, that is, above the place Kloffvene to the place Wargsnasci; further to Fulaebaek, Firimose, and to that great stone between Mosaennae and Haerbaenksundh, Kleasermose, Rosena, near Hiordshus, Loffsnaes, near which place the Brimsian stone is situated between Blekinge and Mohraea.

From here straight into the eastern sea.

Tuli, son of Gase of Snevingia, a skald of the Swedes, wrote these letters.

No different than the patriarchs Isaac and Jacob, who granted prerogative and primacy and decided by dispensation, the former among his sons, the latter among his grandsons from Joseph, and who preferred Jacob and Ephraim, younger in age, to the elders Esau and

Manasseh. Indeed, just as that great leader of the Israelites, Joshua, not only distributed the land of Canaan to the Israelite sons of God and to their future posterity to be inhabited in perpetuity, but also confirmed the fixed boundaries of the regions, which his predecessor Moses, the first and chief lawgiver of all, had determined by a law sanctioned long before, a law that struck with the thunderbolt of anathema the man who removed the boundaries of his neighbour.

By reason of the authority God has conferred upon us throughout all Christendom, we confirm this by apostolic authority and fortify it by the patronage of the present writing. We decree it unlawful for any man whatsoever to infringe this page of our confirmation or in any way to oppose it.

The above-written peace agreement of the kings of Uppsala and of Denmark, concerning the prerogative of the one over the other and concerning the separation of boundaries, concluded in this year before the law-bearing representatives of both kings, as before the senior and principal nobles of the kingdoms and lands, according to the contents of the tenor of the instrument brought forward above, we order and command. We strengthen it by the force of these letters, so that it shall stand perpetually firm, ratified, valid, and unmoved, and never at any time rendered void.

But if anyone should go against this privilege of our authority and this page of our confirmation, and strive in any way to break it, in part or in whole, let him – even if he be a person of apostolic dignity – know that he will incur not only the indignation of almighty God and of the blessed apostles Peter and Paul, but also eternal excommunication, and that he will perish with Judas, the betrayer of the Lord, unless he repents.

But if you, together with your descendants, are obedient to us (indeed to blessed Peter) in these matters, as we trust in divine clemency, you will find both forgiveness of your sins and the apostolic blessing. Indeed, upon all who observe these statutes confirmed and

strengthened by us, let there be the peace of our Lord Jesus Christ. May they receive the fruit of good deeds and before the strict judge may they find the rewards of eternal peace.

You still exist as inexperienced in the faith, and in ecclesiastical discipline in some manner limp along. It is fitting that we, to whom the governance of the whole Christian Church has been committed, should hereafter visit you more frequently with divine admonitions, although we are scarcely able to do this, both because of the long interval of lands by which you are distant from us (you are most remote) and because your languages are unknown to us.

Therefore you, Amund and Svein, most dear sons, to whom divine providence has in part entrusted the care of kingdoms and the defence of Christendom, by the authority of the apostles Peter and Paul we admonish with paternal affection, that you not only imitate the royal probity and outstanding virtues of your most excellent parents, now already worn down by good old age, but also that you wholly direct and order in the future the kingdoms entrusted to you for the keeping of concord and justice. Towards your subjects, strive (among other pursuits of virtue) to preserve the rights of peace and the discernment of equity, so that through concern for temporal rule you may merit to obtain the security of eternity.

May Almighty God, rich and abundant in mercy, by the merits and authority of the apostles Peter and Paul, and by that divinity granted through them to us (though unworthy) absolve you and all your faithful from your sins, and direct you into Truth and His will. May He cause you to merit in this life, in eternal blessedness, so that He will repay you with a crown multiplied and increased.

Amen!

So that this statute of our apostolic authority may remain firm, ratified, and unshaken, we have ordered this epistolary instrument written and sealed with the impression of our secret seal.

At Rome, on the fifth day before the Kalends of October [27th September], in the twelfth indiction,[315] in the ninth year of our pontificate.[316]

K.XXIV.

Letter of Pope Agapetus II to William,[317] Archbishop of Mainz.

He grants the same privilege which Marinus II had granted to Archbishop Frederick.[318]

(Year 955.)

[According to Wurdtwein, *Epistolae S. Bonifacii*, p. 375.]

Actuated by the love of fraternity and girded by the faith of the ancients, we know not to deny you and the holy Church of Mainz, over which you preside. Concerning this, your envoys were sent to the Holy See of the Prince of the Apostles and to our apostolic dignity. Our predecessors granted these things to your predecessors.

We know from your letters concerning St Boniface, your predecessor, that these things were conferred by Gregory II, Gregory III, and also by Zacharias, our predecessors, and also by our predecessor Marinus II, to Frederick, our brother and your predecessor.

Namely that as a governor of the whole region of Germany and Gaul, he should be bound as vicar of the holy see of Mainz, sent by the apostolic authority.

If he found men deviating from the right path of justice, whatever their persons, he had the power to summon them, to admonish wherever he wished, to correct, and to establish a synod wherever he wished, by apostolic authority.

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[315] The twelfth indiction ran from 24th September, 953 to 23rd September, 954. Zimmermann's dating of this letter (27th September, 954) would thus be very early in the thirteenth indiction.
[316] The ninth year of Agapetus II's pontificate was May 954 to May 955. Thus Zimmermann's dating of this letter as September 954.
[317] William of Mainz (954-968).
[318] Frederick of Mainz (937-954).

You have professed the faith and subjection, as all the previous governors of the holy see of Mainz have confessed. The same power is granted to you which our apostolic predecessors granted to your predecessors. By our authority you may correct the wicked and men of perverse life, and call them back to the path of truth by your exhortations. You are our vicar, sent into the regions of Germany and Gaul. Wherever you find bishops, priests, deacons, or monks transgressing the canons and constitutions of the holy Fathers, or against ecclesiastical rule, you may correct them by apostolic authority according to the canons and institutions of the holy Fathers, and bring them back to the way of truth without omission.

We also grant to you the authority to establish a synod for the provisional metropolitan see of Mainz, wherever it pleases, in the regions of Germany and Gaul, without contradiction from any person.

If anyone (may it not be), wishes to oppose you, vicar of the Apostolic See, appeal to the apostolic seat. Let him know he shall not be ended by you, at a time of your own setting. He shall be deprived of apostolic blessing and bound by the bond of anathema.

We also inscribe a privilege for the holy see of Mainz. If anyone, of whatever dignity, wishes to despoil it regarding ancient […] things […], let he himself be despoiled. If he does not repent, let him be bound by the eternal bond of anathema, by apostolic majesty (to whom the power to bind and to loose has been given). On the day of all, the traitor, I say, shall render account of judgement.

K.XXV.

Privilege of Pope Agapetus II for the Monastery of Saints Stephen, Dionysius, and Sylvester in Capite.

(Year 955.)

[Marini, *Papiri diplomatichi*, vol. I., p.38.]

In the name of the Lord. This is a copy of the privilege written below on parchment, whose tenor throughout is such that it could barely be read.[319]

Agapetus, bishop, servant of the servants of God, to the beloved in Christ Leo, son, religious priest and monk, and abbot instituted and ordained by us over the venerable monastery of the holy martyrs of Christ, Stephen and Dionysius, and the confessor Sylvester, called "at the head of Paul," to the abbots and monks dwelling in the same monastery, forever.

It is fitting for apostolic authority, strong in pious devotion, to lend benevolent compassion those who ask, and to grant assent to their eager requests. From this, we shall undoubtedly earn reward from the Creator of All, God, when venerable places, properly arranged, have been brought to a better state.

You humbly petitioned our apostolate so that we might grant and confirm to you and your successors forever the aforementioned monastery, with all its churches, buildings, and appurtenances, both within and also around it, and the august mountain called "Holy Angel," together with vineyards and lands around the mountain, and the church of St Nicholas, in full, with all its appurtenances:

- on one side, the public road which leads under the arch-shaped form called "Virgin's,"
- on the second side, the same form; the Virgin's form and the mountain called Pinzi;
- on a third side, the wall of this city of Rome, and the gate of St Valentine;
- on the fourth side, the wall of this city, returning to the Posterula of St Agatha, and the road next to the Posterula which goes along the aforementioned church into the public road, and the sown land held by Constantius, a nobleman, as well as the public road to

[319] For the circumstances of this medieval editorialising, see the end of the letter.

the Posterula from Pigna, the church of St Blaise, and to the Virgin's form, with lands and benefices.

Moreover, we confirm to you the entire monastery of St Valentine, with all its buildings and adjacencies, and appurtenances, to the gate of St Valentine; indeed, we also grant and confirm to you the Ponte Molle in full, with all its entrances and exits and its dues and tribute in the same manner, and fallow land for sowing wheat, with all appurtenances, located before the gate of St Valentine, next to the wall of this city of Rome, and neighbouring lands. On one side the ditch, that is, Carbonaria, between the wall itself, and the land extending to the greater river […] the public road to and from St Valentine, and on the fourth side under the authority of the holy Roman Church.

Indeed, other sown land, with all its appurtenances, in full, and with all pertaining to it, with the right hand going towards St Valentine, with a large arch beneath it, called Passarana […] in the place called Pisce, between neighbours. On one side the already mentioned public road, and on the second side, the fountain of living water which is communal between the monastery and the heirs […] formerly of Gregory, custodian of the School of Confession of Blessed Peter, and extending to the head of the ancient wall, and on the third side, land of the monastery of St Cyriacus, called Via Lata, and rightly along the boundary up the plain of the mountain called Bassitulo, and on the fourth side, the public road which descends through the valley called Bussitudo, and exits onto the Flaminian Way.

Indeed, we also confirm to you the entire estate (casale) which Girulo holds, with its trees, and with all that pertains to it. It belongs to you according to the series of deeds, placed above the part of St Valentine, about one mile from the city of Rome. On one side the public road in which there is the ancient stone, which descends as far as Sanguinaria, and on the second side, a small spring of living water which issues from under the mountain of the aforementioned Girulo, and the meadow of the monastery of St Cyriacus, and on the third

side, the mountain above the already mentioned mountain of St Valentine, and sown land under the authority of your monastery, which the heirs of a former Roman from the Campus Martius hold; and on the fourth side […]

And we also confirm to you one entire estate (casale) which Pelajolum holds, with its sowable lands, fields, meadows, pastures, mountains, and plains, in which was the church of St Sylvester, located in a deserted area, and with all that pertains to it, as formerly in your monastery. Albericus, a former senator of all the Romans, gave it by charter in exchange, and he, together with his brothers and sisters, personally signed and consented, namely Constantius, a nobleman, Sergius, bishop of the holy Church of Nepi, with Bertha and another Bertha, on account of the valley of St Vitus, which Albericus gave to the monastery of St Agnes; which was placed under your monastery.

The outer gate, about a mile from the city of Rome, near the Tiber River. On one side the land of Gurgini, and on the second side the Tiber River, and sown land with the meadow of the monastery of St Basil, located in the School of the Dead.[320] Also the meadow of the monastery of St Mary on the Aventine, and also land with meadow located from Gregory at the Campus Martius. On the third side, the estate of the six columns, and the mountain called Mollario, and on the fourth side […] of the jurisdiction […]

Similarly, one entire meadow outside the Ponte Solarium in the place called Fliscari. On one side the ditch, and on the second side the meadow […] and on the third side […] and on the fourth side, the meadow held by Benedict, bishop of St Silvia Candida.

Likewise, the jurisdiction and the entire estate (casale) Balneolum, and Paccianum, as it was originally called. Formerly John, called Oudino, gave it by charter to the monastery, with sowable lands, sanded vaults (cryptae arenariae), fields, meadows, pastures, built structures and adjacent walls, plains, and wells and fountains; cultivated or uncultivated, with

[320] The Latin: situm in scola Mortuorum.

all things generally and entirely pertaining to it, located outside the Ponte Salario, about one mile from the bridge. On one side the estate of Roserio Petri; and on the second side, the ancient wall and the land which formerly belonged to Maczoni, son of the s*acellarius*, now held by Elpizo, a nobleman. On the third side, the land of Stephen, prefect Theodore; and on the fourth side, the crypt held by Serpentaria and other vacant land, under the authority of the monastery of St Vitus.

Also two small sown lands (petiae), next to the said estate (casale) and next to the aforementioned crypt. On two sides, the land which formerly belonged to Rosa, overhanging. On the third side, the land of the heir of Leon Camburlingo, and on the fourth side, the public road under the authority of the monastery of St Vitus.

Likewise, one larger column (Columnam majorem), which Antonino holds, with the cell beneath it and the vacant land around it, circumscribed on all sides by the public road, situated within this city. Similarly outside, near the Numentan bridge, one entire estate (casale) which Lampati holds, with all that pertains to it. On three sides the river called Tiverone, and on the fourth side, the ditch and the public road under the authority of the monastery of St Lawrence, called Palacina.

Also, one cesina (small plot) of about a modius, with sanded vaults (cryptae arenariae), partitioned walls, and all that pertains to it, situated outside the gate of St John, about […] miles from the city of Rome. On two sides, the land of Adriano, a nobleman, son of Adriano, formerly *archarius*; on the third side, the land of the heir of the former Stephen Chaumati; and on the fourth side, the aqueduct channel.

Indeed, other sown lands, with their trees, as it pertains to you according to the series of deeds, situated outside the gate, about six miles from the city. On one side, the land of Stephen Denimentis […] of prefect Theodore, and on the second side, the land of the heir of the former Theodore of the Aventine, and on the third side, the land of Moran. On the fourth

side, the aqueduct channel, and the estate which the seven Bassii hold, with its pertinences, among other lands and other sown plots, at the place which is fixed at the gate of St John.

Furthermore, we confirm to you three entire estates (fundora). One is Pontem de Nono, within the bridge itself, with diverse sown lands and trees, sanded vaults (cryptis arenariis), partitioned walls, buildings that may be roofed in construction, and lands cultivated or uncultivated, with all that generally and entirely pertains to it, situated outside the gate of St John, called Via Latina, about nine miles from the city of Rome. On one side, the aqueduct channel called Claudia, and the bridge called Nono; on the second side, the channel called Abeberatorium; on the third side, the Corte de Moreni; and on the fourth side, the boundary which runs next to the crypt called Ardenda, under the authority of the Holy Roman Church.

And also another estate, called Dompnicaria, in which there is a deserted church with partitioned vaults, with sown lands and diverse trees, fruit-bearing and of various kinds, cultivated or uncultivated, and all that pertains to it, situated on the Via Latina, next to the estate at Ponte de Nono. On one side, the estate itself; on the second side, the stream called Papati; on the third side, the public road with ancient stone; and on the fourth side, the larger channel and the estate which the seven vassals hold, with all its pertinences.

Also, another estate entirely, called Casana, with other diverse locations and names, namely, valle Marciano, casa Pretiosa; the mountain called Paulelli, and the field called Albanensis, or by whatever other names, with sown lands, woods, diverse trees, and water-mills, as well as the deserted church of St Peter and all that generally and entirely pertains to it, situated on the Via Latina, about ten miles from the city. On one side, the land where formerly there were meadows, called Pauli; on the second side, the estate called Civitella; on the third side, the vineyard of the monastery, the public road descending to the place called Sella of St Peter; and on the fourth side, the deserted church called St Mary in Diaconia, and

thence as it descends through the ditch to the aforesaid […], under the authority of the monastery of St Andrew the Apostle and Bartholomew, called Honorii.

Also one entire church, called Holy Angel, with vineyards and lands, and all that generally and entirely pertains to them, situated in the patrimony of Appian territory Albanense, about […] miles from the city of Rome, on the mountain called Crescentuli. On two sides, the land of Monte, of the heir of the former lord called Cacainbocte, and as designated by boundaries and trees; on the second side, Clasura, following through the trees, and the side of the land held by Peter the physician, arriving at the side of the vineyard of the monastery of St Mary, called Aventino; and on the third or fourth side […].

Also, the vineyard of the monastery, called Aventino, together with another vineyard, entirely, with its entrance and yield to the Calcatorio, and with all that pertains to it, situated in Albanense territory, about […] miles from the city of Rome. On one side the vineyard formerly of Aczo Accariti, and the vineyard of the monastery of St Lawrence outside the wall; on the second side, the vineyard of Aczo of Albano; on the third side, the vineyard of the monastery of St Mary of Aventino; and on the fourth side the vineyard of the monastery of St Lawrence outside the wall.

Also, four entire sown vineyards (petiae), with yield to the Calcatorio and their entrance, and with all that pertains to them, in the place called Rufi. On two sides, the vineyard of Lady Marocze; on the third side, the vineyard […]; and on the fourth side, the vineyard of the venerable St Sabbas, called Cellanova, with entrance through the same vineyard, from Silice Majore, and vineyard […] with yield to the Calcatorio and its entrance from Silice Majore, and with all that pertains to it, situated in territory Ariciens, in the place called Cucuruczii. On one side, the aforesaid Silice; on the second side, the vineyard […]; on the third side, the road to the wall called Longum; and on the fourth side, the vineyard […]

And we grant to you the estate entirely, which Zizinni holds, with the church of St Mary, vineyards, lands, water-mills, and vaults (cryptis), in the Albanense territory, about thirteen miles from the city of Rome, under our major vestary, providing three solidi of gold. On one side, the estate of St Euphemia, and the vineyard of Ursus, formerly *primicerius*; on the second side, the vineyard of the heir of the former Gausbert; on the third side, the public road and pasture of venerable Stephen; and on the fourth side, the estate which Luczano holds.

Also, two vineyards (petiae) in the place called Honori, in the territory of Aritiens, in the place called […] vineyard at the foot of Silice Majore. On one side, the aforesaid Silice; on the second side, the vineyard […]; on the third side, […]; and on the fourth side, the vineyard […], under the authority of the venerable diaconate of St Mary, which Cosmidi holds.

Likewise, we grant and confirm to you the entire half of one thread (filum) of Salina, in the place called Fossatum Majorem, as it came to you through the series of deeds of the former lord called Cacainbocte. The other half from the heir of the former Leo, which is the same whole thread. On one side, the thread of Benedict, and on the second side, the thread of Salini, of the aforesaid heir of the lord; and on the third side, the Fossatum Majore; and on the fourth side […]

Also, the thread of the heir of the former John Major,[321] under the authority […] Likewise, another entire thread, which belongs to St Sylvester, in the place called Campus Malus. On one side […] and on the second side, that of the aforesaid monastery of yours.

Also, we confirm to you one entire water-mill (aquimolum) on the Tiber River, near the School of the Saxons,[322] as it was once granted to you by the former Alto Achomatos. On

[321] The Latin: Item filum de haerede quondam Joannis majoris.
[322] The Latin: schola Saxonum.

one side, the aquimolum […] and on the second side, the aquimolum of Benedict of Virgarii, at the gate of St Peter. On the third side, the larger port of the same river; and on the fourth side, the public road from which the aquimolum is descended, with its cordage and entrance, and with all that pertains to it, as was granted to the monastery by our predecessor John, through the page of precept.

Likewise, by the page of privilege, it was granted and confirmed to you on the aforesaid Tiber River, before the sewer, with water behind you, for making another aquimolum. On one side, the aquimolum of the monastery of St Mary in the Capitol, and the aquimolum of Leo, *protoscriniarius*; on the second side, half of the river itself; on the third side, the aquimolum of Theophilatus, indeed the nomenclator, and the aquimolum of the monastery of St Cyriacus, called in Via Lata; on the fourth side, the public road under whose authority it exists.

Indeed, also the entire monastery of St Terentian, with all its subordinate cells, namely, St Stephen and St Mary, and the cell of St Benedict and St Sylvester, and St Valentine, and with all its buildings and adjacent lands and its pertinences, situated in the territory of Polimarcensis, under the authority of the monastery of St Lawrence the Martyr of Christ, called Foris Muro, so […] preserved for the Roman citizen, providing […]

Furthermore, the entire Paternum; likewise, the entire Massa called Majana, with all its places or names, namely, the curtis, Tujanum, Pollejanum, Anticuum, Sutanum, Occanum, Betujanum, Terentianum, Centumcelle, with vineyards, lands, woods, houses, and colonists of both sexes, and pertinences, fields, meadows, pastures, woods, salt-lands, fruit-bearing or non-fruit-bearing trees; wells, bridges, streams, and permanent walled buildings, cultivated or uncultivated, with all that generally and entirely pertains to them, situated in the territory of Ortano, about forty miles from the city of Rome, under the authority of your aforesaid monastery.

Likewise, we establish for you various little estates (casalinis) situated within the city of Ortano, and also all immovable lands and places which pertain to your aforesaid monastery, both within the city of Ortano itself and outside, as is recorded in deeds.

And again, in the territory of Ortano, we confirm to you the church of St Juvenal the Martyr of Christ, with all its pertinences, as it pertains to you from the bishopric of Ortano.

Again, we establish for you all immovable places which pertain to your monastery within the city of Gallisana, and throughout its territory, in three estates, called Cazanum, Casinianum, and Cesa Narniens.

Also the Massa called Preciliana […] we grant to you with all that generally and entirely pertains to it, situated in the territory of Sabinens, under the authority of the Holy Roman Church. On one side, the Massa called Pausa; on the second side, the stream of Utriculum, called Butino; on the third side, properties of the monastery of St Mary; and on the fourth side, properties of the monastery of the Holy Saviour.

Also, we confirm to you the estate of Campi Mort, beyond Albatum, which is within the city of Ortana […]

We confirm to you all properties under the jurisdiction of your aforesaid monastery in the territory of Nepesino and Casamala, which is the estate called Casanova and Bovarico and Boltejano, together with servants and maidservants of both sexes residing there; likewise, we confirm to you those properties which, through the series of deeds, pertain to you in the territory from the former Alto Achomato.

Again, we confirm to you the entire Casale called Pacianum, with all that pertains to it, situated in the territory of Sutri. Likewise, we confirm to you all things which pertain by right and dominion of your monastery throughout the territory of Collinens, and in the place called Valle and Tintoriscii, and on the hill called de Asca, and in St Cassano, and in the Curtis and in Baccaricia, with vineyards and sown lands, woods and swamp, together with

the colonists residing there, pertaining to the aforesaid monastery of yours, of the immovable locations of the jurisdiction of our holy Roman Church and the aforesaid monastery, or of other prior places whose rights they hold.

Also, we confirm to you one entire Casale called Ruscitulo, with all its general and entire pertinences, situated in the territory […] on the Via Flaminia, about fourteen miles from the city of Rome, with all its estates or names, namely Sergianum, Staturianum, also called Nuce, or Saburia and Pontianum; also Bavianum, with houses, vineyards, lands, woods, and with all its boundaries, termini, and limits. On one side the public road to the Fossatum of the heir of the former John the Grammarian, and directly through the Fossatum to the stream which descends to the bridge called Veneni […] and on the other side along the aforesaid public road directly through Montecello to the stream, and then through sown land on the Via de Solaro, and from there along the boundary to the well, and from the well to the bridge Veneno. If there are other neighbours, under whose jurisdiction they stand.

Furthermore, we confirm to you one entire Casale, called Villa Rustica, or by whatever other name it is called, with all its estates or names, with houses, vineyards, or lands and woods, fields, meadows, pastures, various trees, sand-covered crypts, fountains, cultivated or uncultivated, and with all boundaries, termini, and limits, and all that generally and entirely pertains to it, situated in the territory […] miles from the city of Rome.

Furthermore, we establish and confirm to you all immovable places which lawfully pertain to your monastery within Rome and outside Rome, so that by deed duly made therefrom, a pension may be paid. Concerning the aforesaid places, which until now you have been accustomed to pay a pension each indiction, we order you to continue to pay. Concerning the other aforesaid places, for which in the course of years no pension has been paid by your predecessors nor by you, through negligence by the officials of this See, and

which by right pertain to you, you shall pay without resistance for your predecessors without opposition, and henceforth shall not pay in the future.

Inclined by your petitions, for the inviolable restoration and stability of the monastery, by the series of this present precept, we grant and establish the monastery and the immovable places, servants and maidservants, and colonists, as above written, from the present thirteenth indiction [A.D. 955], in perpetuity, for you and your successors, abbots, and for the servants of God in the monastery to hold. All necessary improvement, construction, or defence of the aforementioned places shall be carried out by you; nor shall any delay arise for giving the annual pension. The officials of our holy Church and of our pious places shall be paid at the proper time.

Under the terrible and dreadful day of future judgement, and under the greatest anathema, by the authority of our Lord and of blessed Peter, Prince of the Apostles, we decree:

Let no one, whether our successors as pontiffs, or any great or small person, of whatever honour or dignity, dissolve by skill of intellect these things which have been established and confirmed with pious intent for the praise of our Redeemer, nor remove possessions, goods, families, or whatever pertains to the monastery. Rather, all things, as set forth, shall remain forever entire in this holy place. Promulgating by the power of Almighty God, under the terrible anathema, we command that no one bring any contradiction or malice into the monastery or its pertinences, or take a legal action, unless by your permission and that of your successors.

But if any of our successors as pontiffs, or any powerful or lesser man, great or small, of whatever honour or dignity, presumes, by any argument or devised occasion, to dismantle, diminish, or rashly oppose these things established by us for the worship of God, and attempt to remove or alienate any place or possession pertaining to the monastery, let him know that,

by the authority of our Lord and of blessed Peter, Prince of the Apostles, he shall be bound by an insoluble anathema. Alienated from the kingdom of God, he must consider all the saints against him. At the tribunal of Almighty God on the dreadful day of judgement, he shall render account, and together with the devil and his most atrocious pomps, and with Judas, traitor of God, and all the impious, he shall be cast into Tartarean[323] fire and unquenchable flame and the abyss of chaos, to be consumed forever.

Those who defend the monastery, and preserve all that is contained in this apostolic privilege with full sincerity of mind, shall be found at the right hand of God, in a place of light, and all the saints who rest in the monastery shall be their steadfast protectors, assisting them by their intercessions in this present life. In the future, they shall attain the joys of the heavenly kingdom with the angels of God and all the saints and elect, through endless ages.

Written by the hand of Leo, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of April, in the thirteenth indiction [A.D.955].[324]

Farewell.

Given on the eighth day before the Kalends of April [25th March],[325] through the hands of Marinus, bishop of the holy Church of Polimartium, and librarian of the supreme Apostolic See. In the ninth year,[326] by the grace of God, of our lord Agapetus the Younger, supreme pontiff and universal pope, in the most sacred seat of blessed Peter the apostle, in the thirteenth indiction.

I, judge and notary of the holy Roman Church, found the parchment privilege, and read that which could be read – that which was not erased, nor rubbed out, nor corrupted – and carefully inspected it before discreet men, lords, presbyter Gyptius of St Apollinaris and

[323] For the issues of *Tartarean*, see the above note on letter G.IV.
[324] The thirteenth indiction ran from 24th September, 954 to 23rd September, 955.
[325] This implies the privilege was given by Marinus before Leo wrote it. Discrepancy.
[326] 955 was indeed the ninth year of Agapetus II (946-955).

Bartholomew of St Mary of Caccabari, rectors of the clergy of the city and Roman fraternity, deputed by the Apostolic See.

By their authority, decree, and mandate, and before the undersigned witnesses, specially called and requested – Lord Jacob, archpresbyter of St Mary in the Street; Lord Aegidius, presbyter and rector of the church of St Lucy of the Boundary; and Lord Raynald, presbyter and rector of the church of St Andrew of the Bear; Lord Jacob, prior of the church of St Andrew of the Column; Lord Thomas, canon of the church of St Lawrence in Lucina; Lord Angelo Ronterii, canon of the same church of St Lawrence; and Lord Angelo, scholar of law, son of Lord Jacob Consolini, judge – word for word, nothing added or subtracted, so far as could be read, I have faithfully copied the writing and put it into public form.

At the request of the venerable and religious man, Lord Matthew, abbot of the venerable monastery of St Sylvester at the Head in the City, of the order of St Benedict, and of its convent, by decree, authority, and mandate of the aforesaid rectors, in the year of the Lord 1277,[327] fifth indiction, 27th July.

In this parchment privilege, there was suspended a leaden seal on a violet-coloured silk thread, on one side of which, around a central cross, the letters were read circularly: ***AGAPITUS****. In the middle there was a certain mark representing a star in some manner; on the other side, the letters appeared on the cross placed there:* ***POPE****.*

Place + of the notary's sign

- *I, presbyter Gyptius of St Apollinaris, rector of the clergy of the city and Roman fraternity, have faith in this public instrument faithfully copied. I subscribe myself.*
- *I, Master Bartholomew of Caccabari, rector of the clergy of the city and Roman fraternity, have faith in this public instrument faithfully copied. I subscribe myself.*

[327] Migne has 1267, but that was the tenth indiction. As a later interior reference has 1277 (the fifth indiction), I have used that.

- *I, Lord Jacob, archpresbyter of St Mary in the Street, the aforesaid witness, subscribe myself.*
- *I, presbyter Aegidius, rector of the church of St Lucy of the Boundary, the aforesaid witness, subscribe myself.*
- *I, presbyter Raynald, rector of the church of St Andrew of the Bear, the aforesaid witness, subscribe myself.*
- *I, Jacob, prior of the church of St Andrew of the Column, the aforesaid witness, subscribe myself.*
- *I, Thomas, canon of the church of St Lawrence in Lucina, the aforesaid witness, subscribe myself.*
- *I, Angelo Ronterii, canon of the church of St Lawrence, the aforesaid witness, subscribe myself.*
- *I, Angelo, scholar of law, son of Lord Jacob Consolini, the aforesaid witness, subscribe myself.*
- *I, Jacob Consolinus, judge and now chamberlain of the judges of the City, having faith in this instrument and privilege faithfully copied, subscribe myself in the year of the Lord 1277, fifth indiction,*[328] *26th August.*
- *I, Adenulfus, judge and rector of the judges, having faith in this instrument and privilege faithfully copied, subscribe myself.*
- *I, Maximus, judge of Peter Odo and now chamberlain of the judges, having faithfully copied this privilege, subscribe myself.*

K.XXVI.

Privilege of Pope Agapetus II for the monastery of St. Martin of Lys.

[328] 1277 (not 1267) was the fifth indiction.

(Year 955.)[329]

[In D. Bouquet, *Recueil des historiens*, vol. IX, p.233.]

Agapetus, bishop, servant of the servants of God, to Segarius, religious abbot of the venerable monastery of St Martin, called Lys, on the bank of the river Atax [Aude] in the valley of Bolicarnea, and through him in the same venerable monastery, forever.

The care for all churches weighs upon us, lest they endure any loss of necessity. So that they obtain proper benefit, it is fitting that we, with the full integrity of pastoral mind, provide diligently for them and confer aid. Thus our Lord Almighty might accept that which we confer upon venerable places for His sanctities, honour, praise, and the glory of His divine majesty, and moreover His most abundant mercy may grant reward for such pious work in the heavenly fortresses.

You have requested that we grant the church of St Mary in Coronulas, with its lands and vineyards and all its yield; likewise the church of St Stephen in Bolorda, also with lands and vineyards and all its appurtenances; in like manner the church of St John in Combreto, with all its appurtenances; likewise the church of St Peter in Petralata, also with lands and vineyards; indeed also the villa of Buxo and Petrus, with lands and vineyards and forests and mills; likewise the villa called Cassanges, with houses, vineyards, and lands, and half of the villa called Barosa, in the village of Adasate with lands and vineyards; likewise the villa called Artosol, with all its appurtenances; likewise within the county of Feniolotense, and the county of Rodense, and Rosselione, to your religiosity […] we ought to grant forever.

From you and your successors, in each indiction, a pension in the name of ecclesiastical accounts, twelve silver denarii, shall be duly paid. No delay shall arise in giving

[329] Migne's dating, but note the issues with the thirteenth indiction below.

this annual pension, but it shall be voluntarily paid to the officers of our holy Church at the proper time.

We establish by apostolic authority, and by the authority of Blessed Peter, Prince of the Apostles, under the oath of divine judgement and the prohibition of anathema, that none of our successors, popes, or any other person, great or small, may remove these aforesaid places from the power and dominion of the monastery.

If anyone, with rash daring, presumes to act against this apostolic precept, let him know that he is bound by the chain of anathema, alienated from the kingdom of God, and condemned with all the impious to the punishment of eternal fire.

But whoever observes this precept shall obtain grace and mercy, and eternal life, from our most merciful Lord.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the Holy Roman Church, in the month of October, in the thirteenth indiction.[330]

Farewell.

K.XXVII.

Privilege of Pope Agapetus II for the Monastery of Monte Cassino.

He grants to Baldwin, abbot of Cassino, and his successors, the monastery of St Stephen, situated in the territory of Terracina.

(Year 955).

[Tosti, Storia di Monte Casino.]

[330] The thirteenth indiction ran from 24th September, 954 to 23rd September, 955. October 955 ought to be the fourteenth indiction. Zimmermann's *Papsturkunden* presents the text as reading the fourteenth indiction (p.247.).

Agapetus, bishop, servant of the servants of God, to Baldwin, beloved son, and abbot of the venerable monastery of Monte Cassino, and to all who enter it in accordance with regular fashion, forever.

It is fitting to aid with benevolent compassion those who abound in pious religion, and to grant suitable assistance to just desires.

You have requested that we grant to you the monastery of St Stephen, Christ's protomartyr, which by long antiquity lies in ruins and in desolation, together with churches, cells, waters, streams, lands, fields, pastures, woods, cultivated or uncultivated, and with all things generally pertaining to the aforesaid monastery, situated in the territory of Terracina, and within these boundaries:

On the first side, the hamlet called Vorke, and the hamlet Clevini; on the second side, the foot of the mountain, descending along the foot of St Lacu's mountain, as it goes into the Mount of Campilla, and along the stream Balani, and Mount Montania, and the hamlets Rustizanu and Tauri; on the fourth side, the hamlet Salissanu, and Plage, and Baleranum, up to the stream David, and returning to the hamlet Barkas.

We grant to you to hold this in perpetuity, by the law of the holy Roman Church, which we serve by God's aid. Inclining to your petitions, through the series of this precept, we grant to you and your successors forever, from the present fourteenth indiction [A.D. 955], to hold the monastery with all things pertaining to it.

We establish and promulgate under the observation of divine judgement and the interdict of anathema, that none of our successors as pontiffs, nor any person, great or small, shall take away anything you have received for the restoration of the place, through the remedy for the soul of Stephania, our spiritual daughter.

Whoever (which we do not wish) dares to act against this apostolic precept, let him know he is bound by the chain of anathema by the authority of God and of Blessed Peter, Prince of the Apostles, and alienated from the kingdom of God.

But whoever shall be a pious custodian and observer of this apostolic constitution shall deserve to receive from the just judge, our Lord God, the grace of blessing and mercy.

Written by the hand of Azzonis, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of October, in the fourteenth indiction [A.D. 955].[331]

Farewell.

Given on the seventeenth day before the Kalends of November [16th October], through the hand of Andrew, by divine grace, *arcarius* [treasurer] of the holy Apostolic See. In the tenth year, with God's favour, of the pontificate of lord Agapetus, supreme pontiff and universal pope, in the most sacred See of Blessed Peter the Apostle, in the month, and in the above-written indiction.

K.XXVIII.

Privilege of Pope Agapetus II for the cell of St Mary and St Hunnegund of Humolarium.

(Year 955.)

[Colliette, *Mémoires du Vermandois*, vol. I., p.563.]

In the name of the holy and inseparable Trinity: Agapetus, by the mercy of Christ, bishop of the holy Roman See.

If, through holy petitions, we give assent to the devout requests of the pious, we believe ourselves to serve the will of the Lord. Therefore let it be known to all the sons of the

[331] The fourteenth indiction ran from 24th September, 955 to 23rd September, 956.

Mother Church, that a son of glorious character, namely Lothair, king of the Franks, humbly beseeches our fatherly care, that we provide apostolic authority to a certain cell located in the pagus [district] of Vermandois, constructed in honour of the blessed Mary, Mother of God, and of the virgin St Hunegund. Urged on by his father King Louis, and by himself equally king, by Count Adalbert, and by the sufficiently capable man Eibert, who held the little abbey by right of benefice, he seeks to raise the venerable worship of holy religion, and endeavours to strengthen it by the command of royal power.

Rejoicing in this petition, we exercise the hand of ecclesiastical authority; and by the authority vested in us, we command that no one ever possess the aforesaid abbey among the laity, nor usurp anything from the possessions of the cell – neither king, nor count, nor bishop, nor any prince, endowed with any power – except perhaps for the purpose of guarding and defending it, and this only by permission of the regular abbot of that place.

If anyone gives money or any gift to the king or any prince for the obtaining of this, or promises it, he shall be subject to malediction.

Let the abbot of the cell be established according to the Rule of St Benedict, and let the monks be subject to regular discipline. We forbid them, under all authority, to suffer any loss from the possessions of the same cell.

The possessions of this church are: the villa of Humolarium, in which the cell is constructed, with all the manors pertaining to it: the curtis of Merulf with its appurtenances; the curtis of Eudold with its appendages; Caviniacus with its pertaining manses.

In the villa called Frisia, above the river Somme, twelve manses, which for the convenience of fishing it is permitted to the church to hold perpetually.

If anyone attempts anything against this apostolic privilege, we excommunicate him, so that he may be anathema, Maranatha.

Let it be done, let it be done.

L. **John XII (955-964)**

L.I.

Letter of Pope John XII to William, Archbishop of Mainz.

John indicates that William's letters, addressed to Agapetus, have been received by him. John laments his misfortunes.

(Year 955.)

[*Letters of St Boniface*,[332] ed. W., p. 376.]

John, bishop, servant of the servants of God, to the most reverend and dearest brother William, archbishop of the holy Church of Mainz.[333]

Know that we have received Your Fraternity's letters intended for Pope Agapetus of holy memory. As all things are disposed by divine power, we were appointed to the Apostolic See upon his death – not by our merits, but by His mercy going before us, from whom come all things that exist. We believe that nothing in the world occurs except what is done by His will or consent.

Indeed, we have felt the burdens of miseries and afflictions, and the snares of men who disturb the holy Churches of God and all order and state. As apostolic authority decrees, we rejoice with those who rejoice and weep with those who weep.

For we have become, after the Lord, the head of all Christendom not by any human privilege, but by the voice of the Lord Himself to blessed Peter the apostle, as you well know, saying: 'You are Peter, and upon this rock I will build my Church,' etc.

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[332] Migne has Epistolae P. Bonifacii – the P is clearly a typographical error for S.
[333] William of Mainz (954-968).

Therefore, if we learn that any member of our body suffers tribulations or injustices, whether by letters or in any other way, we share in it, are burdened with grief, and, by all means possible, together with you, resist by apostolic authority their snares and injustices.

Meanwhile we exhort Your Fraternity to resist, with all your strength, those who wish to live arrogantly and unjustly and seek to devastate the churches of the Lord, and who have not wished to obey our pious precepts and your admonitions. Lead them to the way of peace, truth, and justice, lest, as their wickedness grows, we find them guilty before the just judge.

But those whom you recognise to persist in evil deeds and to have no regard for your orders, direct to this Apostolic See, as has been the ancient custom, with your faithful believers, who faithfully and orderly report to us all that is done in Gaul and Germany. It is dear to our heart and we desire it with great longing, that in all churches and throughout Christendom peace and honour may remain proper, and that all traces of evil, if any have existed until now, may be utterly removed.

L.II.

Privilege of Pope John XII for the Monastery of St Mary of Humolarium.

(Year 956.)

[Mabillon, *Acta*, Century II, p. 1025.]

John, bishop, servant of the servants of God, to the venerable abbot Bernerus of the Church of the Blessed Virgin Mary, and through him to the entire congregation, forever.

If we grant, in just petitions, the worthy assent of the pious, we believe that we serve the will of the Lord. Therefore let it be known to all the sons of the Catholic Mother Church, both present and future, that our son, Lothair, king of the Franks, a boy of glorious disposition, sent to us, humbly beseeching our fatherly care, that we might protect by the

authority of our office a certain cell located in the district of Veromandus, built in honour of the Blessed Virgin Mary, Mother of God, and of St Hunegundis the virgin.

Suggested by his father Louis – namely the king – and by Count Adalbert, and by a sufficiently capable man, Gilbert, who held the little abbey by right of benefice, he seeks to protect the worship of sacred religion, and endeavours to strengthen it by royal authority.

Rejoicing in this petition, we exercise the hand of ecclesiastical power, and by that authority on which we rely, we command by apostolic authority that no secular person may ever possess the aforementioned abbey, nor may anyone appropriate anything from that cell, neither king, nor count, nor bishop, nor any prince, of whatever power, except perhaps for the sake of guarding and defending it, and this only with the permission of the regular abbot of that place.

If anyone gives or promises money or any gift to the king or to any prince for the purpose of obtaining this, he shall be subject to a malediction. Therefore let the abbot of that cell be established according to the Rule of St Benedict, and let the monks be subject to the discipline of the Rule, whom we forbid with all authority from suffering any loss in the affairs of that cell.

The possessions of the church are: the villa of Humolarias, in which the cell is built, with all mansions pertaining thereto; Merulficurtis with its appurtenances; Eudoldicurtis with its appendages; Caviniacus with its manses pertaining thereto; the villa called Frisia, upon the river Somna, twelve manses, which for the convenience of fish it may hold in perpetuity.

These, and whatever else the church may acquire with the Lord's help, it shall possess freely and without any contradiction, strengthened by apostolic authority, etc.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Apostolic See, in the month of January, in the fourteen indiction [A.D. 956].[334]

[334] The fourteenth indiction ran from 24th September, 955 to 23rd September, 956.

Given on the fourth day before the Nones of January [1st January], by the hand of George, bishop of the Apostolic See, in the first year, with the Lord favourable, of the pontificate of lord John, pope of the holy and universal See.

L.III.

Letter of Pope John XII to Berengar, Bishop of Verdun.

He confirms the privileges and possessions of the monastery of St Vitonus.

(Year 956).

[In D. Calmet, *History of Lorraine*, p. 369.])

John, bishop, servant of the servants of God, to our brother Berengar,[335] bishop of the Church of Verdun, with all committed to him by God, a gift of eternal reward.

It is fitting for one who rules apostolically to favour those flourishing in pious religion with benevolent charity, and to grant assent with lively devotion to those making requests. For we shall undoubtedly obtain from the Lord, the founder of all, the greatest reward if venerable places of the saints, properly arranged, have been brought by our authority to a better condition.

We have learned, dearest brother, that among other exercises of holy conduct you have built in your episcopate, near the city of Verdun, in the Church of blessed Peter, a monastery in which the bodies of holy confessors rest, and have provided for it by the prudent consideration of your own Church, so that if ever the sons of your church, moved by divine love, should despise earthly things and desire to flee to the perfection of the contemplative life, they may not be entirely separated from your Church, but may find a

[335] Berengar of Verdun (939-959).

refuge of consolation under the habit of religion in the monastery, a member of that same Church, and there serve the Lord in peaceful tranquility.

Let the diligence of all the faithful, both present and future, know that we wish the monastery, built according to your arrangement, with all royal possessions and precepts sanctioned with your counsel, to remain forever unshaken.

Namely: the villa above Scantia, with its appurtenances; Flaviniacum, with its adjuncts; the abbey of St Amantius, with whatever pertains to it; Ad Nova-Villa, with its lands; the court of Mantio, as far as it pertains to you; Parridum, with its adjacencies; the church of Marculfi-Curt, with its adjacencies; Arbordi-Villa, with its appurtenances; the church of Castonis-Curt, with whatever pertains to it; the church of Marleio, with its adjacencies; the church of Amonzei-Villa, with its adjacencies, with lands, vineyards, and mills, with servants and handmaids; the abbey of Peter, and the church of Maroa; at Limacum, whatever pertains to that place; at Nova-Villa in the county of Barrens, whatever pertains to that place.

All these aforesaid places, with all their appurtenances generally and specifically, and whatever, with the Lord's help, by the vow of the faithful has been granted to this monastery, we hereby confirm perpetually by this apostolic privilege; to you and to your successors, and moreover, let it be strengthened by the privilege of our authority, so that the Church of Verdun, which hitherto suffered loss of its sons (who were suckled from infancy in its bosom only to flee to external monasteries), may henceforth glory in them, elevated by the counsel of its bishop and the providence of the glorious abbot Humbert, in their holy conduct.

Whoever, with rash daring, great or small, of whatever rank or power, presumes to contravene this apostolic precept, shall be excommunicated by the authority of blessed Peter, Prince of the Apostles, and be bound by the chain of anathema, and alienated from the kingdom of God, and condemned with all the impious to eternal fire and punishment.

But whoever observes this precept shall deserve to obtain grace and mercy and eternal life from our most merciful Lord God.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the Apostolic See, in the month of January, in the fourteenth indiction [A.D. 956].[336]

Farewell.

Given on the fifth day before the Ides of January [8th January], by the hand of Martin, bishop and librarian of the Apostolic See, in the first year[337] of the pontificate of lord John XII, supreme and universal pope, in the most sacred seat of blessed Peter the apostle, in the month and fourteenth indiction.

L.IV.

Letter of Pope John XII to Landulf, Bishop of Benevento.

(Year 956.)

[In Ughelli, *Italia Sacra*, VIII, 57.]

John, bishop, servant of the servants of God, to the most reverend and most holy Landulf,[338] bishop of the holy Church of Benevento, and to your successors forever.

The highest dignity and apex of apostolic authority is recognised to shine forth in divine brilliance, calling on us to labour more diligently in exercising the praises of God. The due care of apostolic pastoral solicitude compels us to promote the stability of pious places and to confirm them by the judgement of apostolic institution.

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[336] The fourteenth indiction ran from 24th September, 955 to 23rd September, 956.

[337] The Latin: anno pontificatus domini Joannis summi pontificis et universalis duodecimi papae in sacratissima sede beati Petri apostoli septimo primo in mense et indictione quarta decima.
The primo (first) agrees with anno (year), and this was indeed the first year of John XII. I cannot explain the septimo (seventh).

[338] Landulf of Benevento (956-982).

You requested from us that the holy Church of Benevento, over which, with God's favour, you preside, be adorned with the privileges of the holy Apostolic See, and that we confirm the ancient boundaries granted to it by our predecessor pontiffs.

Favouring your pious desires, by this authority we enact that which is set forth.

We grant to you and to your holy Church of Benevento whatever it has been legally and reasonably judged to possess under the ancient law of your predecessors, namely: Bivinum, Asculum, Larinum, Sipontum, and the church of St Michael the Archangel on Mount Gargano, with all their appurtenances, and all estates with churches, families of both sexes, and manses, and all lands within the bounds of your parish, to be held by you and your successors, and to be legally and canonically administered with all their appurtenances, whether they be cities or castles formerly possessed by your episcopal predecessors.

We also decree, under the intercession of apostolic authority, with the invocation of divine judgement and with valid and severe anathema, that no one endowed with any dignity, whether a great or small person, or Greek, shall presume to exert any force against your aforesaid Church of Benevento, or take away, alienate, diminish, or encroach upon what pertains to it. Nor to inflict any malice or loss therein at any time. Nor shall anyone, as has been said, remove anything pertaining to it from any person, great or small, so that in accordance with our statute, the venerable Church of Benevento, adorned with apostolic constitutions and privileges, may remain unshaken and firmly endowed.

But if anyone (though we do not wish it) should with nefarious daring oppose these things established by us for the praise of God and for the stability of the Church of Benevento, or transgress in any way, whether Greek or any other man who desires dominion or primacy, either by himself or through another in the aforementioned churches without the will and command of the bishop of Benevento, let all alike remain under apostolic and strict irredeemable anathema. Let them not enter any church or perform any ecclesiastical office.

But he who, as an observant, respects this constitution for the worship of God in all things, may receive the grace of blessing from our most merciful Lord God in abundance, and may deserve to become a participant in eternal life.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the Holy Roman Church, in the month of December, fifteenth indiction [A.D. 956].[339]

Farewell.

Given on the eighteenth day before the Kalends of January [15th December], by the hand of Marinus, bishop and librarian of the supreme Apostolic See, with the Lord favourable, in the eleventh year[340] of the pontificate of our lord John XII, supreme and universal pope, in the most sacred see of blessed Peter the apostle, in the month and fifteenth indiction [A.D. 956].

L.V. *

Pope John XII entrusts the Patriarch of Aquileia with the task of consecrating the church in Poreč.[341]

(Year 956).

[Zimmermann, *Papsturkunden*, vol.I., p.255.]

John, bishop, servant of the servants of God, to the venerable brother Rodoald, Patriarch of Aquileia, greeting and apostolic blessing.

Approaching our presence, Otto, Emperor of the Romans,[342] humbly requested that, since he had endowed the Poreč church, we deign to personally attend it. Furthermore, out of

[339] The fifteenth indiction ran from 24th September, 956 to 23rd September, 957.
[340] The Latin: Domino propitio pontificatus domini nostri Joannis summi pontificis et universalis XII papae in sacratissima se de beati Petri apostoli XI. There was no eleventh year of John XII (955-964).
[341] For the addition of this letter to the corpus, see the Translator's Note above.
[342] Emperor Otto I would not be crowned until February, 962.

reverence for the Blessed Virgin Mary, in whose honour the church was founded, and for the Blessed Martyr Maurus, whose body rests in the church, we ought to consecrate it, or, by apostolic authority, entrust another with the consecration of the Poreč church.

Confident in your prudence and inclined to your just requests, we fully entrust and command that, with the archbishops and bishops attached to you, you personally attend the Poreč church and consecrate it with the archbishops and bishops thus summoned, in the name of the Lord.

To all Christ's faithful who are truly penitent and confessed, who shall come to the consecration or to any anniversary of its dedication out of devotion, trusting in the mercy of Almighty God and the authority of His blessed apostles Peter and Paul, we grant full remission of their sins from the penances imposed upon them.

Given at Rome, the twelfth day before the Kalends of April [21st March], in the first year of our pontificate [A.D. 956].

L.VI. *

Pope John XII entrusts the Patriarch of Grado with the task of consecrating the church in Murano.[343]

(Year 956).

[Zimmermann, *Papsturkunden*, vol.I., p.257.]

John, bishop, servant of the servants of God, to our venerable brother Hellius, Patriarch of Grado, greetings and apostolic blessing.

[343] For the addition of this letter to the corpus, see the Translator's Note above.

Approaching our presence, Otto, Emperor of the Romans,[344] humbly requested that, since he had built and endowed the church of St Mary of Murano in the diocese of Torcello by vow and in reverence to the Virgin herself, we should deem it worthy to personally attend it. Furthermore, that under the title of her most holy Assumption, we should consecrate the church ourselves, or by apostolic authority commit it to another to consecrate.

Confident in your prudence, and inclined to your just requests, we fully entrust and command that, with the archbishops and bishops attached to you, you personally attend the church of St Mary of Murano and, together with the summoned archbishops and bishops, consecrate it in the name of the Lord.

To all the faithful of Christ truly penitent and confessed, who for the sake of devotion attend the church, or attend each year on the anniversary of its dedication, trusting in the mercy of Almighty God and the authority of the blessed apostles Peter and Paul, we grant full remission of sins imposed by penitential obligations, to endure for all time.

Given at Rome at St John Lateran on the Kalends of April [1st April], in the first year of our pontificate [A.D. 956].

L.VII (Dubious). *

Letter of Pope John XII to *Æ*dred, king of the English.

He admonishes him to protect the privileges of the ancient monastery of Saints Peter and Paul of Canterbury in England.

(Year 956.)[345]

[According to Mansi, Conc. vol. XVIII, col. 455.]

[344] Emperor Otto I would not be crowned until February, 962.
[345] Zimmermann's dating. Migne merely gives the range 955-963.

John, bishop, servant of the servants of God, to Ædred,[346] most excellent king, and to all bishops, dukes, counts, abbots, and to the whole faithful people of the English nation, most beloved greeting and apostolic blessing.

We promote the zeal of divine worship by always thinking of venerable places, so that, through pious labour, souls dedicated to Christ (who have resolved to serve there throughout the days of their life) may persevere undisturbed under regular discipline. Likewise, that those things constructed for the worship of religion in the praise of God may remain steadfast and unshaken.

Wherefore I command you, illustrious king and most beloved son, and all the others, our spiritual sons of the nation, that you hold under care the monastery among you built in honour of the blessed apostles, the prince Peter and the teacher of the nations Paul. Thus it may not be disturbed by the unrest of any great or small person, and the abbot and the monks serving God there may enjoy your common protection. Freely possessing whatever things belong to them, they may be able more effectively to lead their life in holy conduct.

When it shall happen that the abbot himself dies, let no one be appointed from elsewhere, but from the congregation one whom the monks themselves shall have chosen by common counsel. Let him be consecrated in the place and be set over the Lord's flock. Let no bishop usurp any authority to himself, nor let anyone presume to celebrate mass there unless invited by the abbot. In all things, it shall be as our predecessors, of apostolic right and worthy before God, granted to the same Church in their privileges.

And lest anyone dare with rash boldness to oppose these things, we have taken care to add also the writings of our own lowliness.

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[346] King Eadred of England died on 23rd November, 955. John XII became Pope on 16th December, 955. The two English Kings of John XII's pontificate were Eadwig (955-959) and Edgar (959-975).

The aforesaid monastery was the first from the very beginning of your nascent Church to be adorned with the religion of holy monks. Æthelberht,[347] most Christian king, having been led to the faith of Christ by the blessed Augustine,[348] disciple of [Pope] Gregory [I] of blessed memory, constructed it from its foundations at the exhortation of that same Father, your apostle Augustine. There he set over those Godfearing monks Peter the monk,[349] sent from this Apostolic See. By the command of [Pope] Gregory, the Father Augustine chose a place for the king and for himself and for their successors, kings and archbishops. There their bodily remains might await the day of resurrection.

If anyone should attempt to defile or destroy this holy purpose of religion, let him know that by apostolic authority he is bound by the bond of anathema and is to be burned with Judas the betrayer of the Lord in the punishment of eternal fire. Therefore, we command that the canons of the monastery of the Holy Saviour, dwelling in that place, do not presume to disturb the observance of the holy devotion. If they do so, let them be punished by the same anathema.

Farewell in Christ, lord son, with all your people.

Given on the tenth day before the Kalends of May [22nd April], in the reign of the most pious lord Augustus Otto, in the eleventh year of his reign, in the eleventh indiction.[350]

L.VIII (Dubious). *

Letter of Pope John XII to the clergy of England.

He confirms the privileges of the same monastery of Saints Peter and Paul.

[347] Æthelberht of Kent (c. 589-616).
[348] St Augustine of Canterbury.
[349] St Peter of Canterbury.
[350] In no way does this align with Pope John XII (955-964), or indeed any other Pope John. The eleventh year of Emperor Otto I (962-973) was not the eleventh indiction. The period May-September 983 was both the eleventh year of Emperor Otto II (973-983) and the eleventh indiction. But there was only a Pope John [XIV] from December 983, and Otto II died in December 983. The English King in 983 was Æthelred II the Unready.

(Years 956).[351]

[In Mansi, ibid.]

John, bishop, servant of the servants of God, to Aedred,[352] most excellent king of the English, and to our most beloved son Oda,[353] archbishop of the Church of Dorobernia [Canterbury], together with all bishops, dukes, counts, abbots, and the whole faithful people of the English nation, greeting and apostolic blessing.

Among the illustrious virtues of your sacred faith, by which both you yourself, most excellent son, and the kings subject to you, together with your nobles and peoples, have been brought into the Christian religion, we embrace more familiarly this fervour of your charity.

The primal monastery of your kingdom, situated in Dorobernia [Canterbury] was consecrated in honour of the princes of the apostles, Peter and Paul, by the first teacher and apostle of the English, Augustine,[354] and founded by the first Christian king of the English, the God-beloved king Æthelbert. Indeed, by apostolic authority the bodies of the kings and archbishops of Canterbury are to be buried there in perpetuity. Your Royal Eminence asks the monastery to be confirmed by us in its ancient dignity and liberty, just as your predecessor kings and our predecessor pontiffs decreed in written apostolic privileges.

Therefore, we too, graciously assenting, decree that the church is to be held among you as firstborn in the grace of the princes of the apostles. Among the other monasteries of your kingdom which have arisen later or shall arise henceforth, it shall be the primary mother. That is to say, by royal and apostolic confirmation, royal and apostolic, let it be free from all secular servitude. No bishop, no successor of your kings, may presume in any way to injure

[351] Zimmermann's dating. Migne merely gives the range 955-963.
[352] King Eadred of England died on 23rd November, 955. John XII became Pope on 16th December, 955. The two English Kings of John XII's pontificate were Eadwig (955-959) and Edgar (959-975).
[353] Oda of Canterbury (Archbishop of Canterbury 941-958).
[354] St Augustine of Canterbury.

or disturb it, nor may any occasion of servitude ever be exacted by anyone, even in the smallest matter, from the goods belonging to that church. Under its king as defender, not tyrant, it may freely serve Christ alone.

Moreover, to our beloved son and fellow priest Oda of the Church of Dorobernia [Canterbury], in the place of Peter, Prince of the Apostles, we command that he devote himself not with the arrogance of pre-eminence but with the duty of charity where it is required. Further, that he regard the abbot of that place as a Roman legate and co-minister of the Gospel of Peace, and esteem him as a brotherly associate, not as one subject, in all things. Just as the holy and God-beloved sons, Archbishop Theodore[355] of the Apostolic See and Abbot Adrian, conducted themselves.

Let no power usurp authority over this Church, nor (apart from the ordination of the abbot) claim any office without the abbot's favour and that of the brethren. Nor may any power receive anything from those most intimate and special places or parishes, or a privilege of its jurisdiction, without the assent of the abbot, lest by abuse it disturb the peace of the Lord's flock, such as to scandalise, which is to be cast down into the depths with a millstone.

Let the abbot be held first among the rest, but only insofar that, for the structuring of sacred faith, charity, and concord, in the place of the firstborn and in the role of Rome, he may shine forth to his brethren more by affection than by command.

These things, and whatever other rights have been handed down, whether by you or by your predecessors, or by your successors, or by any persons whatsoever until the End, according to your petition, we testify must be observed by all kings and princes and peoples of Britain, lest any transgressor (far be it!) be cut off by the sword of excommunication of St Peter, Prince of the Apostles, and perish. Rather, favouring the Church, they shall be admitted by the key, and may rejoice in the kingdom.

[355] Theodore of Tarsus, Archbishop of Canterbury (668-690).

L.IX (Dubious)

Letter of Pope John XII to John the Archpresbyter, John the Second, and John the Third, presbyters.[356]

(Year 957.)[357]

[Marini, *Diplomata Pontificum*, 65.]

John, bishop, servant of the servants of God, to the beloved sons in Christ, John the religious archpresbyter, and John the Second and John the Third, religious presbyters, and their brothers, and your successors forever.

It is fitting to aid with benevolent compassion those who abound in pious devotion under apostolic guidance, and to grant assent to those who eagerly seek it. For then most of all is reward attained with the Author of all, God, when venerable places, rightly arranged, have been brought to a better state.

You have requested that we grant and confirm to you and your successors the church of St Tryphon the Martyr of Christ, to be safe and free from all exaction, with all that pertains to it (that which has been newly constructed through Crescentius, the most noble prefect of the city of Rome, and through other neighbours of the church).

We hereby, through the intervention of the aforesaid Crescentius, most glorious prefect, confirm the church to you and your successors by this privilege of our authority. You may remain therein perpetually, and eternally render praises to God; and we grant it to you and your successors to hold perpetually, from the present fifth indiction.[358]

[356] Zimmermann does not place this letter under John XII. It is possible he ascribes this to another Pope John.
[357] Migne's dating.
[358] The Latin: a praesenti quinta indictione. Migne's dating of 957 would imply the fifteenth indiction, not the fifth, which would be 961-962.

For on the day of the sacred dedication of the church, when we deposited with our own hands the most holy body of the blessed Tryphon the Martyr therein, it was promulgated by us that, just as the other Catholic churches within the city of Rome are honoured, so also this one shall stand. For it is fitting that we serve the holy martyr Tryphon with the utmost devotion, and that the church which bears his name receive due honour from Almighty God and be dedicated by us and our successors, and that in the procession or station there the School of Singers of our sacred palace shall convene. For the most excellent martyr offered his body for God, enduring torments, and deserved the crown of the heavenly kingdom.

If he sees us devoted to his service, we shall, through his intervention, escape the infernal punishment. For no small prize does he reserve for himself, especially with regards to that sanctuary of his,[359] which hitherto existed briefly, now constructed from the foundation with distinguished work, raised in height and extended in breadth. What before seemed narrow and obscure is now seen, with divine guidance, as bright and beautiful.

As the sanctuary has been accomplished for the honour of Almighty God and the most precious martyr Tryphon, so all will find the best dwellings and well-decorated places in the heavenly homeland who have laboured to its construction. For the most eminent martyr rejoices with Christ, and all His servants rejoice who render pleasing service to Him.

Just as the benefits of our Redeemer increase daily in us, so in many ways must service be rendered to His church by us. May God be glorified through us, His servants, so that the holy martyr, for whose love it was constructed, may lead those servants in praising God, to eternal glory.

Likewise, we confirm to you and your Church of St Tryphon the oratory built in honour of St Stephen the Protomartyr, with the books and ornaments of the oratory and the portico next to it, and the vacant land surrounding it for burial.

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[359] The Latin: Non enim parvi pretii opus sibi reservat praecipue cum azylum illius.

We also confirm to you the entire pusterula called *a Pila*, with the pila itself within the river Tiber, with water for constructing a mill and the bank of the pusterula. You may derive the riverside rights from the pusterula of St Lucia to the pusterula of St Martin, and with all that pertains to the oratory.

We confirm possession in the Campomartis region next to the pusterula called *a Pila*:

on the first side the pusterula itself, on the second side the riverbed of the river, on the third side the city wall and the house of John the mansionary, on the fourth side the public road, as above written.

Crescentius, the most noble prefect of the city, gave and granted the oratory of St Stephen the Protomartyr to you and the aforementioned church through a charter of donation, so that it be safe and free from all exaction of other churches, both temporal and spiritual, with its entire parish and all its holdings and pertinents, forever.

We also desire and, through apostolic authority order, that no occasion or deceit alter or violate this privilege of our concession and confirmation. But if anyone, which we do not believe, should rashly presume to come against this apostolic privilege or to disturb it in any way, and does not allow it to remain as established above, let him know that he is bound by the authority of Almighty God and of the blessed Peter and Paul and by our vicariate with the chain of anathema. Alienated from the kingdom of God, he shall be consigned with the devil and his most atrocious pomps, and Judas the betrayer of our Lord Jesus Christ, to the fire of eternal punishment.

But he who shall be a faithful guardian, observant and obedient towards this apostolic constitution and privilege, may deserve to attain, through the just judge, the Lord God and our Saviour Jesus Christ, and through His holy mother the Virgin Mary, eternal life with all the saints and elect of God, for ever and ever.

Amen.

L.X. *

Pope John XII admonishes Pisa to protect the Church.[360]

(Year 957).

[Zimmermann, *Papsturkunden*, vol. I., p.264.]

John, bishop, servant of the servants of God, to our magnificent and beloved sons, the officials of the Republic of Pisa, vigilant for the defence and well-being of the Roman See, greetings and apostolic blessing in the Lord.

Such is the great darkness and perversity of the present age, in which nothing seems to have ever happened more harmful or more unfortunate to the holy Roman See. It has been most miserably trampled upon, subordinated to the playthings of wanton women, and governed by the will and discretion of secular princes.

We beseech you, our beloved sons, that you never allow or permit yourselves to depart from that faith, in which you have hitherto most steadfastly persevered, towards the Roman See and the universal Catholic Church. Thus, you may be worthy to obtain and reap the promises of God.

On this account, we ask that you preserve mutual concord and charity, and love with all your heart and affection of mind, if you seek to please God and desire the daily increase of your republic. Let the city of Rome itself be an example to you. Because of the dissensions of its inhabitants, it has become a seedbed of crimes and scandal, so that we lament it now as having been changed into another Babylon, not without tears.

You yourselves, by your prudence, consider what grief this is to us, and what sorrow and bitterness it is to our heart. Truly there are those who care for us, and suffer alike with

[360] For the addition of this letter to the corpus, see the Translator's Note above.

our afflictions, who advise that we depart immediately from this city of Rome, leaving its dust behind. But we, who are bound by duty to lay down our life for the sheep entrusted to our care, will never allow ourselves to do this.

We shall act only if it is necessary to take counsel for our flock. In that case, we will take refuge with you, our beloved sons, as is customary with the exiled Roman pontiffs, and we will make our dwelling with you, so that your assistance, zeal, power, and strength may aid the state of the most wretchedly endangered Church.

If anything concerning the aforesaid arises, we will not fail to inform you promptly. Furthermore, we beseech you and exhort you in the Lord that you communicate these matters to our venerable brother, your bishop, and to his chapter on our behalf, so that by their prayers and sacrifices they appease and restrain divine indignation, which is now justly punishing us. Meanwhile, we pray to the Most High for all good things for you, and we again impart the apostolic blessing upon all your prayers.

Given at the Lateran, on the day before the Nones of May [6th May], on the Lord's day, in the year of the Incarnation 957, in the second year of our pontificate.

L.XI.

Letter of Pope John XII to Henry, Archbishop of Trier.

He grants him the use of the pallium.[361]

(Year 957.)

[In Gunther, *Codex Diplomaticus Rheno-Mosellanus*, I, 127. Augmented by Zimmermann, *Papsturkunden*, vol. I., p.263.]

[361] See L.XXI. Migne errs by placing the February 962 letter in the place of the January 957 letter, and vice versa, giving rise to the oddity of a reference to Emperor Otto I five years before he was crowned. The error is corrected here.

John, bishop, servant of the servants of God, to the dearest and most reverent brother Henry, archbishop of the holy Church of Trier, for the days of your life.

If shepherds of sheep endure sun and frost for the guarding of their flock day and night, so that not one may perish by wandering or be seized by the jaws of wild beasts, for those shepherds keep ever-watchful eyes, with how much sweat and how much care must we be vigilant, we who are called shepherds of souls?

Let us pay attention and not cease to perform the office undertaken concerning the guarding of the Lord's sheep, lest on the day of divine judgement the guilt of negligence torments us before the supreme shepherd. We are judged higher than the others by the reverence of honour.

The pallium we transmit to Your Fraternity according to custom for celebrating the solemnities of Mass. You may not use it (the privileges of your church remaining in their present state) except on the Nativity of our Lord Jesus Christ and in its octave,[362] also on Epiphany and in the consecration of the holy chrism, and at the resurrection and ascension of the Lord Jesus Christ. Also, on the day of Pentecost, and on the Nativity of St John the Baptist, and on the feast-days of the apostles, and on the Assumption of the blessed Mother of God and ever-virgin Mary, and on her Purification and Nativity. Likewise on church dedications and in all the principal solemnities of your diocese, and also on the anniversary of your consecration, and in episcopal consecrations.

As has been sanctioned by our predecessors and by us, Your Fraternity ought to wear it in the sacristy, and thus proceed to the solemnities of Mass and claim nothing further by the daring presumption of audacity, lest, while someone is improperly seized in outward attire, what was permitted be lost.

[362] 25th December – 1st January.

Honour of clothing is preserved by modesty of actions. We exhort that your morals correspond to your ornaments, so that, by the author God, you may rightly be conspicuous in both ways. Let your life be a rule for your sons; in it, if any crookedness has been instilled in them, let them be guided; in it, what they imitate, let them observe; in it, let them always make progress by examining themselves, so that your life may appear to have been good, according to how they have lived.

Let the heart neither exalt prosperous things, which temporally flatter, nor cast down adverse things, but let it be conquered by the virtue of patience. Let no hatred, let no indiscreet favour, find a place with you. Let the wicked recognise you as strict; let evil suggestion not make the innocent appear guilty before you; let grace not excuse the guilty.

Do not show yourself lenient to wrongdoers, lest what you have not avenged be allowed to be perpetrated. Let the sweetness of a good shepherd be in you, and also the severe strictness of a judge, one to nurture the innocent, another to restrain the unruly, so that they are corrected from depravity.

Sometimes the zeal of superiors, desiring to appear as the avenger of the wicked, passes into cruelty. Refer anger to judgement and use the discipline of censure to strike at faults. Do not depart from the love of the persons whom you correct. Show mercy, as virtue allows, to the poor; let your defence aid the oppressed; let moderation and reason resist oppressors. Let you receive no one against justice; let you despise no one rightly complaining. Let the protection of equity excel in you, so that neither the rich may, by their power, dare anything beyond reason, nor the humble despair of their property.

By God's mercy, you may exist such as the sacred reading prescribes: *It is necessary for a bishop to be blameless.*

But you will be able to achieve all these things, if you master charity. He who follows it never departs from the right path. Behold, dearest brothers, among many other things, this

is the priesthood, this is the pallium, which, if you diligently preserve, what you have received outwardly, you will possess inwardly. The Holy Trinity will surround Your Fraternity with the protection of its grace, and thus guide us in the way of its fear. After the bitterness of this life we may together reach eternal sweetness.

Written by the hand of Leo, notary and *scriniarius* [archivist/scribe] of the holy Apostolic See, in the month of January, indiction fifteen.[363]

Farewell!

Given on the sixth day before the Ides of January [8th January] through the hand of Leo, *nomenclator* of the holy Apostolic See, in the second year by the mercy of God of the pontificate of lord John XII, supreme and universal pope, in the most Holy See of the blessed apostle Peter, in the month of January and indiction fifteen, in the year of the incarnation of the Lord 957.

L.XII.

Brief Record.

How Pope John XII restrained the Sublacenses, who were rebellious against the abbot of the monastery of Subiaco and had seized many of its goods, and compelled them to restore everything.

(Year 958).

[In Muratori, *Antiquitates Italicae*, VI, 203.]

In the year (perhaps the third) of our lord John, Pope XII, in the month of May, first indiction [A.D. 958].[364]

[363] The fifteenth indiction ran from 24th September, 956 to 23rd September, 957.
[364] The first indiction ran from 24th September, 957 to 23rd September, 958.

Since the human mind is always engaged in labours, and the spirit of each person wanders back and forth over various cares and anxieties, and is not able to explain everything in speech, nor to hold future matters in memory, by the will of God a talent for letters was discovered by the most prudent men, so that what we cannot retain in the mind we may record in writing.

Therefore I, Leo, abbot of St Benedict of Subiaco, recount how our lord the pope came to our monastery for the sake of prayer, and we complained about all things in the castle of Subiaco, and in other parts where we dwell, concerning the many persecutions and afflictions they constantly committed against our monastery.

Whereupon suddenly the lord pope, moved by piety and mercy, took pity on that venerable place and on our fraternal congregation, and on the great injuries we had suffered since the day the man of good memory, lord Alberic, departed from this life.

The supreme pontiff resided in the monastery, together with venerable bishops, namely Marinus of the Church of Polimartium, and the librarian of the holy Apostolic See, Constantine, bishop of Porto, John Humilis, bishop of the holy Church of Tivoli, and judges of the Romans, George, *secundicerius* of the holy Roman Church, Leo, *protoscriniarius* of the Apostolic See,[365] and many others.

He commanded that all adversaries come before his presence. While they were coming before the lord pope, together with us, they were restrained; and he caused that all goods, houses, and estates, which are enumerated individually, be returned to the monastery.

He commanded the abbot, making a brief record of this matter, to have it signed by the men and by other worthies for the perpetual memory of the matter.

L.XIII.

[365] Later Pope Leo VIII (964-965).

The Bull of Pope John XII to Abbot Leo of Subiaco.

He confirms the goods and rights of the monastery of Subiaco.

(Year 958).[366]

[In Muratori, *Antiquitates Italicae*, V, 461]

[This Bull is previously included as D.VI. See above, regarding the John X or John XII issue].

Also, let a noble diploma be added to the greater ornament of the Subiaco monastery, which is likewise preserved in its archive.

L.XIV.

Rescript of Pope John XII concerning excommunication.[367]

Transmission of the excommunication to Artald of Reims, Amblard of Lyon, archbishops, etc., on account of the invasion of the possessions of St Symphorian.

(Year 959.)[368]

[Mansi, *Concilia*, volume XVIII, column 450.]

In the year of the Lord's Incarnation 959, in the third indiction,[369] while Michael was reigning as emperor at Constantinople,[370] while lord John the Apostolic was presiding at

[366] To add insult to injury, given the issues with this privilege, a typographical error in Migne has 938. 958 is clearly intended, given the letter's placement in Migne. Zimmermann (p.266.) dates it as 958.
[367] Zimmermann does not place this under John XII. It is possible he ascribes this to a different Pope John, but the internal dating and references would make that unlikely. I cannot explain the letter's inclusion in Migne but its omission in Zimmermann.
[368] Migne's dating is 958. This is likely a typographical error for 959.
[369] The third indiction ran from 24th September, 959 to 23rd September, 960.
[370] The Latin: Anno incarnationis Dominicae 959, indictione III, imperante Michaele imperatore Constantinopoli, domno autem Joanne apostolico Romae praesidente, regnante vero Lothario Francorum rege…
In 959, John XII was Pope, and Lothair of France was King of West Francia, but there was no Michael on the

Rome, and while Lothair was reigning as king of the Franks, this excommunication was transmitted to the archbishops of France and Burgundy:

To Artald,[371] archbishop of the Church of Reims, and the bishops subject to him; to Amblard,[372] archbishop of the Church of Lyon; to Rodmund,[373] bishop of the Church of Autun; to Achard,[374] bishop of the See of Langres; to Frotgar, bishop of the Church of Chalon;[375] to Natran,[376] bishop of Nevers; to Richard,[377] bishop of Auxerre; concerning the land and allod of St Faustus, and of St Augusta, and of St Symphorian, in the region of Provence, within the boundaries of the place called Magna; which Isuard and his companions hold by force.

Excommunication:

By the authority of the Father, and of the Son, and of the Holy Spirit, and by the decree of all the saints, and by our common excommunication, we bind and anathematise Isuard and all his companions, who hold the land of St Symphorian.

So that none of them, after he has heard this, may enter a church, or may hear Mass, or may make peace with a Christian; nor may he eat, nor drink, nor sleep; and if he should fall ill, let him not be visited; and if he should die, let him not be buried, nor be prayed for, unless he shall have come to amendment and satisfaction.

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throne of Constantinople. The Emperor of Byzantium was Constantine VII, followed by Romanos II. There were no Michaels between 867 (death of Michael III) and 1034 (crowning of Michael IV).

[371] Artaud of Reims (946-961).

[372] Amblard of Lyon (c. 957-978).

[373] Rotmond of Autun (935-968).

[374] Achard of Langres (948-969).

[375] Chalon-sur-Saône: Frotgairius (c. 961).

[376] Natran of Nevers (959-979).

[377] There is no evidence of a Richard, bishop of Auxerre at this time. The Auxerre bishop of the era was Guy (933-961), albeit there is a gap in the list between Guy in 961 and Heribert in 971. The Latin reads: Richardo Antissiodorensi episcopo.

Concerning these lands of St Symphorian situated in the counties of Avignon and Cavaillon, at last Isuard made satisfaction to Girard, bishop of Autun, on the third feria, the seventeenth day before the Kalends of August [16th July] in the year of the Lord 972, in the fifteenth indiction,[378] *while King Conrad*[379] *was reigning.*

Moreover, Desiderius,[380] *bishop of Cavaillon, confirmed the restitution of the things situated in the bishopric of Cavaillon, made to Hugh, dean of the church of St Symphorian of Cavaillon, and to his clerics.*

L.XV.

Letter of Pope John XII to Dunstan, Archbishop of Canterbury.

Concerning the granting of the pallium.

(Year 960.)

[In Mansi, as above.]

John, bishop, servant of the servants of God, to our brother Dunstan, archbishop of the Church of Canterbury,[381] eternal life in Christ, greetings.

If shepherds of sheep endure sun and frost for the care of their flock, day and night, and watch carefully so that none of the sheep perish by wandering or are snatched by the jaws of death, how great a care and labour must we give for the salvation of souls? We, who are said to be their shepherds?

Let us therefore fulfil our duty towards the keeping of the Lord's sheep, lest, terrified as if a wolf were coming, we flee. Lest on the day of the divine examination we be tormented

[378] The fifteenth indiction ran from 24th September, 971 to 23rd September, 972.
[379] Conrad I of Burgundy (937-993).
[380] Didier I.
[381] Dunstan of Canterbury (959-988).

before the supreme shepherd for our negligence and neglect, whereas now by reverence of honour we are judged among others in the higher seat.

Therefore, your primacy, in which it is customary for you to exercise the duties of the Apostolic See in the manner of your predecessors, we fully confirm to you, just as Blessed Augustine[382] and his successors held as pontiffs of the aforesaid Church.

The pallium, indeed, we commend to Your Fraternity according to custom for celebrating the solemnities of the Mass, which you are permitted to use in no other way than in the manner in which our predecessors delivered it, the privileges of your Church remaining as before.

Nor is this unknown to Your Prudence, nor to anyone, how awesome it will be in the moderation of acts for the honour of this vestment. These ornaments are suited to the honour of your conduct, so that, God being the author, you may be conspicuous. Your life may be a rule for your sons; and in it, if they have any strength, they may be guided while observing that which they imitate.

And at the end of the letter: May the Holy Trinity surround Your Fraternity with the protection of its grace, and may He so direct you in the path of Godfearing, so that after the bitterness of this life we may together merit eternal sweetness.

This was written by the hand of Leo, *scriniarius* of the Apostolic See, in the month of October, in the fourth indiction,[383] on the first day before the Kalends of October [1st October], in the twelfth [sixth] year[384] of the supreme pontiff John.

L.XVI.

Privilege of Pope John XII for the Monastery of the Holy Saviour of Fulda.

[382] Augustine of Canterbury, first Archbishop of Canterbury.
[383] The fourth indiction ran from 24th September, 960 to 23rd September, 961.
[384] October 960 was the sixth year of John XII's pontificate.

(Year 961.)

[In Dronke, *Codex Diplomaticus Fuldensis*, p. 328.]

John, bishop, servant of the servants of God, to our beloved son Hatto, abbot of the venerable monastery of the Holy Saviour, our Lord Jesus Christ, and of St Boniface, martyr of Christ, situated in Bononia on the bank of the river Fulda, to you and to your successors as abbots forever.

Since what is reasonable to grant should always be conceded, the authority of the founder's pious construction shall not be denied in the granting of privileges.

You requested of us that the aforesaid monastery of the Holy Saviour be adorned with the privileges of the Apostolic See. Established under the jurisdiction of our Church, by God's guidance, it should be subject to no other Church's jurisdiction.

Favouring your pious wishes, by our authority we effect what is requested.

Therefore, we forbid any priest of any Church to exercise in the monastery any power or authority except that of the Apostolic See. Unless invited by the abbot of the monastery, no one may presume to celebrate the solemnity of Mass there.

According to this privilege, the monastery shall remain endowed and undisturbed in its places and possessions, both those which it holds or possesses in the present time and those which in future times divine piety may increase for the venerable monastery by gifts, offerings, and tithes of the faithful. It shall enjoy this in perpetuity, without contradiction from any person.

We also command by this page of our decree that whoever, whether a prelate of any Church or a person of any dignity, violates this charter of our privilege, established by the authority of the Prince of the Apostles, let him be anathema. He shall incur the wrath of God, and be exiled from the assembly of all the saints.

The dignity of the aforesaid monastery, granted by us, shall remain perpetually inviolable, supported by apostolic authority.

Written by the hand of Leo, *secundicerius* of the Apostolic See, in the month of December, in the fifth indiction [A.D. 961].[385]

Given on the fourth day before the Ides of December [10th December], by the hand of John, bishop and librarian of the Apostolic See, in the sixth year, by God's favour, of the pontificate of lord John XII, supreme pontiff and universal pope, in the most sacred see of the blessed apostle Peter, in the month and in the fifth indiction.

L.XVII.

Pope John XII renews to the monastery of Monte Cassino, under Abbot Aligern, in accordance with their request, the privilege of Marinus II (944).[386][387]

(Year 962).

[Zimmermann, *Papsturkunden*, vol.I., p.275.]

John, bishop, servant of the servants of God, to the beloved son Aligern, venerable abbot of the Benedictine monastery at Monte Cassino, and to its holy congregation and its successors forever.

It is fitting for apostolic governance to come to the aid, with kindly compassion, of those strong in holy religion, and to grant assent with eager devotion to those who ask. For we merit a reward from God, the creator of all things, when venerable places, opportunely ordered, shall have been brought to a better condition.

[385] The fifth indiction ran from 24th September, 961 to 23rd September, 962.
[386] For the addition of this letter to the corpus, see the Translator's Note above.
[387] The relevant former privilege is J.IV.

You have petitioned that we grant and confirm to you the monastery of St Benedict, confessor of Christ, in the territory of Aquinum on the mountain called Castrum Casinum, where his most sacred body is buried, together with all adjoining things and appurtenances, both monasteries of men and also of the handmaids of God, as well as cells and estates pertaining to the rights of the monastery.

All the venerable monasteries in their entirety: first, the monastery of the Lord Saviour situated at the foot of the mountain; and the monastery of St Mary, the Mother of God and Virgin, at Plumbarola; likewise also the monastery of St Mary at Cingla (now built within the city of Capua); likewise also the monastery of St Sophia, built within the city of Benevento; also the monastery of St Mary situated in the Beneventan borders in the place called Canneto near the river Trinius; and likewise also the monastery of St Mary within the city of Cosenza of the handmaids of God.

With all, as we have said, their goods and appurtenances, both in the Beneventan territories and in Apulia and Calabria, as well as in the territories of the March and in the territories of the Marsi, far and wide through various places, together with colonists and female colonists, and servants and handmaids of both sexes belonging to the monastery.

Thus it may be adorned with the insignia of the privileges of the Apostolic See. Established under the jurisdiction of our holy Church, which by God's authority we serve, it may be subjected to the jurisdictions of no other church.

Favouring pious desires, by this authority we effect that which is set forth.

We forbid by this authority, except for the Apostolic See, that any priest of any church have any jurisdiction in the aforementioned monasteries. Unless invited by the abbot of the monastery, he may not presume to celebrate the solemnities of Mass in any way. We have established that this shall remain irrevocably from the present fifth indiction [A.D. 962], perpetually, to be governed and administered with the fear of God.

Moreover, we decree under apostolic censure, with the invocation of divine judgement and with the most valid and severe anathemas and interdicts, that no one, of whatever dignity, great or small, shall presume to exercise power in the monastery, or in its affairs, or over the possessions or churches subject to it, or anything pertaining to it. Nor may they take away or alienate anything, nor inflict any malice or injury therein, whether in times of peace or of barbarian disturbance. We decree that this shall remain, firm in both peace and barbarian times, under the jurisdiction of our holy Church.

By the authority of blessed Peter, Prince of the Apostles, before God and His terrible judgement, we ratify and decree by this apostolic privilege and constitution that the places exchanged or granted by the abbot of the monastery of St Benedict, and also other possessions granted or offered by kings, dukes, gastalds, and other Christians to the holy place, or granted to it afterwards, shall exist in firm stability, for the rights of the prelate of the monastery, and shall remain perpetually.

Nor shall it be permitted that from the monastery anything be taken away by any great or small person. Indeed, according to what is established under this apostolic constitution and privilege, it may remain endowed and unshaken.

Let it be permitted for the monks of the congregation always to elect their abbot. Likewise, let it be permitted to you, for the making of chrism, or for oblation and ordination of priests, deacons, and subdeacons, and for the consecration of altars, that you may act in Christian ministry in the monastery and in all the churches subject to it, and invite a bishop of whatever kind you wish.

Moreover, we grant that the angelic hymn be said on Sundays and feast days at all times for the solemnities of Mass. And let it be permitted to you to strike the bell both by day and by night, whenever you please, in the monastery and in its cells, and let no bishop prohibit the people of God from entering the monastery and the cells to hear the word of God.

Furthermore, we decree that no bishop shall presume in the monastery, or in its subject churches, to excommunicate priests, or summon them to a synod, or act against the abbot and monks who are there.

It shall also be permitted to you to receive a cleric, priest, deacon, or subdeacon, from any episcopate, to dwell there and to take the monastic habit with his possessions, without the prohibition of any bishop. It shall be permitted to you and to the monasteries subject to you to judge both monasteries and convents of girls, without secular power and without the prohibition of any bishop.

But if anyone, which we do not wish, shall presume in wicked audacity to resist those things established by us to the praise of God and for the stability of the monastery, let him know that, unless he repents, he shall be bound by the bond of anathema, and alienated from the kingdom of God. He shall be assigned to be burned with the devil and his most atrocious pomps, and with Judas, the betrayer of our Lord Jesus Christ, in the fire of eternal judgement.

But he who with pious intent observes and in all things keeps this apostolic institute for the worship of God shall receive, through the intercession of blessed Benedict, the grace of blessing from our most merciful Lord God in manifold measure, and shall merit to partake in eternal life and to remain joined with all the saints.

Written by the hand of Stephan, *notarius, regionarius*, and *scriniarius* [archivist/scribe] of the holy Roman Church, in the month and indiction aforesaid, the fifth [A.D. 962].[388]

Farewell!

L.XVIII.

Privilege of Pope John XII for the Church of Salzburg.

[388] The fifth indiction ran from 24th September, 961 to 23rd September, 962.

Confirms the privileges and possessions of the Church of Salzburg. Grants the pallium to Archbishop Frederick,[389] *at the request of Emperor Otto. Declares that a deposed archbishop, unless he ceases to interfere with sacred matters, will be anathematised.*

(Year 962.)

[Apograph, 12th century, in the Vienna archives. According to Kleinmayern, *Nachrichten von Iuv. Archang.*, 208.. Augmented by Zimmermann, *Papsturkunden*, vol.I., p.277].

John, bishop, servant of the servants of God, to our most reverend and most beloved brother, Frederick, archbishop of the holy church of Jüvavum [Salzburg] and after you to the same church in perpetuity.

If we grant, with full assent, the wishes and pious desires of the priests and venerable brothers, and make God favourable to us, and render [our brothers] more vigilant against the snares of the plunderer, lest the Lord's flock be torn, it is because the status and honour of the churches of God, over which they see themselves presiding, is of common profit and common glory, indeed common salvation.

Your special devotion has requested that the church of Jüvavum, through Your Fraternity, receive the right, honour, and privilege long handed down to it, not only by our predecessors but also by the most pious emperors. Out of love of charity, we shall not deny this. Rather we shall confirm and strengthen it in perpetuity.

Inclined to the worthy requests of Your Fraternity, to your holy church we confirm, establish, and strengthen all privileges or precepts and instruments of charters. Also rights and paternal traditions, which have been granted by our predecessor pontiffs and by the most Christian emperors, Charles of blessed memory, and all his successors, as well as by the kings

[389] Friedrich I of Salzburg (958-991).

of Bavaria, concerning bishoprics, monasteries, guest-houses, parishes, titles, courts, manors, estates, colonists and female colonists, and servants of both sexes, and whatever the holy church of Jüvavum [Salzburg] has deserved or can by right deserve. We confirm this with the greatest diligence, and strengthen it by apostolic authority for you and your successors in perpetuity.

We also grant to the archbishopric our lands in the Bavarian region named Winiheringa, Antesna, and Wolinbach, as granted by our predecessor Pope Agapetus [II] against the census, on the condition that annually three pounds of silver be delivered upon the altar of St Peter. If in the first year it does not come, in the second year six pounds are to be given; and if, due to accident or for the invasion of the pagans, the census cannot be delivered by you, in the third year it shall be fulfilled in full; and if that census in the third year is not fulfilled, the lands shall return in all ways into the power and dominion of our Apostolic See. If the census is fully fulfilled in all respects, the lands shall remain yours in perpetuity.

Concerning that blind man named Herold,[390] who formerly was a bishop and now audaciously celebrates Mass, which is not permitted to him, if he henceforth persists in such presumption to celebrate Mass again, let him know that by the authority of the blessed Peter, Prince of the Apostles, and ours, he is anathematised and sequestered from all the faithful of Christ.

Finally, we grant to Your Fraternity the use of the pallium on four feasts, which in another privilege we did not grant to you, but now, on account of the petition of Otto, most serene and most invincible emperor,[391] we grant the licence. The feast of St Lawrence, the feast of St Maurice, the feast of St Rudbert, and the anniversary of your consecration.

[390] Herold, Archbishop of Salzburg (c. 939-958). Herold was blinded in 955 by Duke Henry I of Bavaria (Otto I's brother) for rebellion against Otto. See also K.VIII.
[391] Emperor Otto I had been crowned in February 962.

But if, God forbid, the rule of the Fathers is set aside and the prohibition neglected, any great or small man carries out raids and depredations, or attempts calumny and injury against the Church of Salzburg concerning the aforesaid lands, and violates or breaks this apostolic sanction, let him know that he is bound by the bond of anathema. He shall be alienated from the kingdom of God, and, together with Judas the betrayer, shall be burned in the fires of eternal punishment, unless he repents.

But he who is the guardian and observer of this privilege, devoutly and obediently, shall receive the grace of blessing from the blessed Peter, Prince of the Apostles, and mercy from God the Father and the Lord Jesus Christ.

Written by the hand of Stephen, *notarius* and *regionarius* and *scriniarius* [archivist/scribe] of the holy Apostolic See, in the month of February, indiction five [A.D. 962].[392]

Farewell!

Given on the seventh day before the Ides of February [7th February] through the hand of Andrew, *arcarius* [treasurer] of the holy Apostolic See, during first year and first month of the reign of the most pious Emperor Otto,[393] crowned by God, great emperor, in indiction five.

L.XIX. (Dubious) *

The Bull of Pope John XII for the Monastery of St Vincent, Volturno.

(Year 962.)

[According to Muratori, *Rerum Italicarum Scriptores* I, II, 447.]

[392] The fifth indiction ran from 24th September, 961 to 23rd September, 962.
[393] Emperor Otto I was crowned on 2nd February, 962, mere five days before.

John, bishop, servant of the servants of God, to Paul, venerable abbot, and to the monastery of St Vincent, martyr of Christ, situated above the spring of the Volturno River, in the regions of Samnium, in the territory of Benevento, and through your successors (to be promoted in regular fashion) to the monastery in perpetuity.

It is a matter of great concern and care for us, to watch over all the churches of God and pious places, lest they suffer any loss, and so that they may gain stipends for their proper benefit. It is therefore fitting that we, with the full integrity of our pastoral mind, secure these venerable places, and diligently provide assistance for their utility, so that what has been offered to God Almighty for the honour of His holy name, to the praise and glory of His divine majesty, may be acceptable, and so that a reward worthy of such pious work may be granted in full by the mercy of God.

You have requested from us the monastery of Blessed Vincent, martyr, situated above the Volturno River, in the territory of Benevento, in the regions of Samnium, together with its appurtenances and monasteries:

The monastery of Blessed Peter the Apostle situated near the river Sabato, in the territory of Benevento; also the monastery of Mary the Holy Mother of God in the place called Sano; likewise the monastery of our Lord Jesus Christ the Saviour, situated in Alife; and also another monastery built in honour of the Holy Mary in the Marsican territory, place called Apinianici; moreover the monastery of St Maurus within the county of Atina, as well as another monastery of Mary the Holy Mother of God in the territory of Penne, in the place called Marano; and also another monastery consecrated in honour of Mary the Holy Mother of God, in the place called Two Basilicas.

Together with other monasteries and cells, territories, and houses, casalia, with servants and handmaids of both sexes residing there, with all their appurtenances, we grant

these to you and to your successor abbots there, to hold under the jurisdiction of our holy church, which we serve with God as Author.

You shall not to be subject to the jurisdiction of any other church.

Favouring these pious requests, we enjoin this by our authority. And therefore we grant to you and your successor abbots the licence of our Apostolic See, so that you may have full power to ordain any Christian in need in the monastery, to go as you desire to invite a bishop, to consecrate churches, and similarly to perform ordinations of subdeacons and deacons, and to fill any ecclesiastical office therein at the proper time.

We also declare that no bishop shall summon a subdeacon to his synod unless it is by the subdeacon's own will, nor shall he judge or excommunicate an abbot or monk in any way. We also order and enjoin by apostolic authority that if any priest or cleric from any church comes to dwell with the congregation of brothers, and takes on the monastic habit, they shall be received immediately.

The chrism and confirmation from whichever bishop you wish shall always be allowed. According to this, as we have said, no one shall act against our apostolic authority.

We forbid any priest of any church to exercise any authority in the monastery, except by invitation of the abbot; no one shall presume to celebrate Masses there. We further establish under apostolic censure, under the threat of divine judgement, and with strong and severe anathemas, that no one, of whatever rank, shall exercise power in the monastery, or concerning its possessions, churches subject thereto, or remove, alienate, or cause any harm, or inflict loss in peace or during times of barbarian attacks. The monastery shall remain permanently under the firm jurisdiction of our holy church, as has been said.

We also decree, by this authority of the blessed apostles, before God, and His terrible future judgement, by this page of our apostolic privilege, that all places exchanged or granted by abbots to any of you in the monastery of St Vincent, martyr of Christ, as well as other

possessions granted by kings, dukes, castellans, and Christians, shall remain firm in law for the monastery and in perpetuity. Nor shall anyone cause harm or take away anything granted. The privileges of these venerable apostolic places shall remain unshaken.

The monks of the congregation shall always be allowed to elect their abbot. The abbot may judge his monks, not only in the male monastery, but also in any female monastery subject to him.

If anyone, which we do not wish, presumptuously resists what has been established by us for the praise of God and for the stability of the monastery, or attempts to contravene it in any way, he shall be bound by the bond of anathema and consigned to eternal fire with the devil and his most atrocious [pomps], and with Judas the betrayer of our Lord Jesus Christ.

But whoever faithfully observes all, with pious intent, maintaining what has been established by our apostolic authority for the worship of God, shall obtain the grace of blessing from the most merciful Lord God, and may partake in eternal life.

Farewell.

Written by the hands of Benedict, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of July, fifth indiction [A.D. 962],[394] in the most sacred See of Blessed Peter the Apostle, in the eighth year of the pontificate of lord [Pope] John [XII].

L.XX.

Letter of Pope John XII to the Archbishops, Bishops, Abbots, Clergy, and People of France, Germany, and Bavaria.

At the request of Emperor Otto I, he decrees that the monastery of Magdeburg be elevated to an archbishopric, and that Merseburg be made a bishopric suffragan to the Church of Magdeburg.

[394] The fifth indiction ran from 24th September, 961 to 23rd September, 962.

(Year 962.)

[According to Mabillon, *Acta Sanctorum*, Century V, p. 575.]

John, bishop, servant of the servants of God, to our most reverent brethren, archbishops, bishops, abbots, monks, primates, all the clergy and people established in Gaul, Germany, and Bavaria.

Whenever a privilege of concession and confirmation is granted by the holy Roman Church (which we serve by God's guidance) for the advancement of the new Christianity, we have always imparted it with all diligence and love. Thus, what it is fitting to devote to pious desires is not secretly stolen by the cunning envy of the enemy through negligence.

Therefore, dearest brethren, we must strive with all our might, so that Christianity, which Almighty God daily extends and promotes through his servants with a heavenly trophy, may also be strengthened through our assistance.

By God's mercy, our dearest and most Christian son Otto,[395] has defeated the barbarian peoples, namely the Avars and many others. Thus he might, through us and with the blessing of the apostle Peter, receive the crown for the defence of the holy Church of God and the summit of imperial victory, ascending the supreme and universal throne, over which we preside by God's guidance.

We received him with paternal affection and anointed him emperor with the blessing of the blessed Peter, for the defence of the holy Church of God.

In the church of the blessed apostle Peter, when matters concerning the state and governance of all Christendom were being discussed, the most pious emperor Otto informed our paternal care how he had newly established the Slavs (whom he had conquered) in the

[395] Emperor Otto I.

Catholic faith. He humbly requested and earnestly beseeched that the sheep he had acquired in Christ not be ruled by the craftiness of the ancient serpent due to the pastor's defection.

Having heard this petition, dearest brethren, we rightly granted it.

With all the innermost strength of our heart, as is fitting, let us direct that this new planting may be founded upon the summit of the mountain, on the rock which is Christ; He will give strength to whom He wills not to perish.

By His grace, we wish, and by this page of privilege command, that the monastery of Magdeburg, constructed in the kingdom of the Saxons near the Elbe (which the most holy emperor built for the new Christianity because of the proximity of local peoples), be transferred to an archiepiscopal See. This may govern and rule all God's flock through its suffragans.

And we wish, and by this page of privilege command, that the monastery of Merseburg, which the pious emperor (having defeated the Hungarians) vowed to God, be elevated to an episcopal See, subject to the See of Magdeburg. So many peoples cannot be governed under one shepherd.

And we wish, and by our authority decree, that the tithe and offerings of all peoples whom the most pious emperor or his successors has baptised, or shall baptise with the consent of God, may be distributed and subjected to Magdeburg, Merseburg, or any future See they wish.

We also wish, dearest brethren, and by the command of the blessed apostle Peter we enjoin, that the arch-prelates of Mainz, Trier, Cologne, Salzburg, Hamburg, be steadfast and wholehearted supporters of the elevation of the monastery of Magdeburg to an archbishopric, and of the translation of Merseburg to an episcopal See.

But if the sons of our most pious emperor, or of the equally-named son king, or of their successors, violate these statutes, or if the prelates of the churches or their successors

fail to assist the archbishop of Magdeburg and his successors and their suffragans and successors, let them be struck by anathema and receive eternal damnation from the supreme Judge.

May Almighty God grant to the most serene emperor Otto and to his equally-named son king long life, so that living tranquilly in this age, they may in the future receive the unfading crown of glory.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Apostolic See, in the month of February, indiction five [A.D. 962].[396]

Given on the second day before the Ides of February [11th February], by the hand of George, *secundicerius* of the holy Apostolic See, in the seventh year, by God's grace, of the pontificate of our lord John XII, supreme and universal pope, and in the first year of the empire of the most pious lord Augustus Otto,[397] crowned by God, the great emperor, in the above month and indiction.

L.XXI.

Letter of Pope John XII to Henry, Archbishop of Trier.

He again grants him the use of the pallium.[398]

(Year 962.)

[According to Gunther, *Codex Diplomaticus Rheno-Mosellanus* I, 127.. Augemented by Zimmermann, *Papsturkunden,* vol.I., p.280.].

John, bishop, servant of the servants of God, to the dearest and most reverent brother Henry, archbishop of the holy Church of Trier, for the days of your life.

[396] The fifth indiction ran from 24th September, 961 to 23rd September, 962.
[397] Emperor Otto I was crowned in February 962.
[398] See L.XI. Migne errs by placing the February 962 letter in the place of the January 957 letter, and vice versa. The error is corrected here.

If shepherds of sheep endure sun and frost for the guarding of their flock day and night, so that not one may perish by wandering or be seized by the jaws of wild beasts, for those shepherds keep ever-watchful eyes, with how much sweat and how much care must we be vigilant, we who are called shepherds of souls?

Let us pay attention and not cease to perform the office undertaken concerning the guarding of the Lord's sheep, lest on the day of divine judgement the guilt of negligence torments us before the supreme shepherd. We are judged higher than the others by the reverence of honour.

The pallium, according to custom, we have sent to Your Fraternity for the celebration of the solemnities of the Masses. The use of this we grant to you only as follows (the privileges of your church remain as before). On the holy and venerable day of the Resurrection of our Lord, and also on the day of the Nativity of our Lord God,[399] likewise on the holy day of the Epiphany and on the Lord's Supper, and also on the Assumption of Mary the Mother of God and on the Ascension of the Lord; in like manner on the feast-days of the Apostles and of St John the Baptist. Likewise at the consecration of bishops, and on the anniversary of your consecration and on the anniversary of the dedication of your church.

Likewise, for the love of Otto,[400] the most pious king, our spiritual son, we grant to you the use of the pallium on the feast of St Lawrence and on that of St Maurice and on all the feast-days celebrated in your bishopric. It is not unknown to you that your predecessors and forebears made use of it then.

Honour of clothing is preserved by modesty of actions. We exhort that your morals correspond to your ornaments, so that, by the author God, you may rightly be conspicuous in both ways. Let your life be a rule for your sons; in it, if any crookedness has been instilled in

[399] In contrast with L.XI (957), there is no explicit reference to the octave.
[400] A key difference with L.XI (957): the 962 grant of the pallium references Emperor Otto I, who was crowned in February 962.

them, let them be guided; in it, what they imitate, let them observe; in it, let them always make progress by examining themselves, so that your life may appear to have been good, according to how they have lived.

Let the heart neither exalt prosperous things, which temporally flatter, nor cast down adverse things, but let it be conquered by the virtue of patience. Let no hatred, let no indiscreet favour, find a place with you. Let the good experience you as kind.[401] Let the wicked recognise you as strict; let evil suggestion not make the innocent appear guilty before you; let grace not excuse the guilty.

Do not show yourself lenient to wrongdoers, lest what you have not avenged be allowed to be perpetrated. Let the sweetness of a good shepherd be in you, and also the severe strictness of a judge, one to nurture the innocent, another to restrain the unruly, so that they are corrected from depravity.

Sometimes the zeal of superiors, desiring to appear as the avenger of the wicked, passes into cruelty. Refer anger to judgement and use the discipline of censure to strike at faults. Do not depart from the love of the persons whom you correct. Show mercy, as virtue allows, to the poor; let your defence aid the oppressed; let moderation and reason resist oppressors. Let you receive no one against justice; let you despise no one rightly complaining. Let the protection of equity excel in you, so that neither the rich may, by their power, dare anything beyond reason, nor the humble despair of their property.

By God's mercy, you may exist such as the sacred reading prescribes: *It is necessary for a bishop to be blameless.*

But you will be able to achieve all these things, if you master charity. He who follows it never departs from the right path. Behold, dearest brothers, among many other things, this is the priesthood, this is the pallium, which, if you diligently preserve, what you have

[401] A minor difference from L.XI (957).

received outwardly, you will possess inwardly. The Holy Trinity will surround Your Fraternity with the protection of its grace, and thus guide us in the way of its fear. After the bitterness of this life we may together reach eternal sweetness.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Apostolic See, in the month of February, in the fifth indiction.[402]

Farewell!

Given on the day before the Ides of February [12th February], by the hand of John, librarian of the holy Apostolic See, in the seventh year, with God propitious, of the pontificate of lord John XII, supreme and universal pope, in the most sacred See of the blessed apostle Peter, in the first year of the reign of the lord Otto,[403] most pious perpetual Augustus, crowned by God the great emperor, in the month of February, in the said fifth indiction.

L.XXII.

Privilege of Pope John XII for the Monastery of Saints Stephen and Dionysius and Sylvester at Rome.

(Year 962.)

[In Marini, *Papiri Diplomatichi*, I, 45.]

John, bishop, servant of the servants of God, to the beloved son in the Lord, and the by-us-appointed abbot, Theophylact of the venerable monastery of Saints Stephen and Dionysius and of the pontiff Sylvester, which is called "at the head of Paul," formerly of the pope, and to your successors as abbots in perpetuity.

[402] The fifth indiction ran from 24th September, 961 to 23rd September, 962.
[403] As noted, Emperor Otto I had been crowned that month (February, 962).

It is fitting for apostolic governance to assist those strong in pious religion with benevolent compassion, and to impart assent to the petitioner with lively devotion of mind. From this, we shall earn the reward of pardon from the Lord, the Creator of all, when venerable places of the saints, duly ordered, are brought to a better state.

Your religious devotion has humbly petitioned our apostolate, that we should grant and confirm to you the aforementioned monastery with all its churches, buildings, and appurtenances, together with the entire mountain called Augustus, with the church of the Holy Angel at the summit of that mountain, together with the vineyards and lands around the same mountain, and the church of St Nicholas, with all its appurtenances, as below is marked by boundaries:

- on one side the public road which leads under the arcades and the area called Virginis;
- on the second side Virginis and the mountain called Pinei;
- on the third side the walls of the city of Rome and the gate of St Valentine;
- on the fourth side the wall of this city extending to the "Posterula Antiqua," which formerly was called of St Agatha; and the road from that Posterula which goes near the church and the public road which leads under the arcades, situated in the fifth region of Rome.

Also, the lands the monastery holds, with their buildings. "Archiones," under the vineyard of John, formerly of the great bishop […].

The large marble column, called Antonino, sculpted entirely, together with the church of St Andrew at its foot, and the land around it, enclosed on all sides by the public road, constructed within this city of Rome.

Also, two churches, one larger and the other smaller, called St Mary, situated before the gate of the monastery; and the church of St Hippolytus with its appurtenances, outside the above-mentioned area, with the church of St Anastasius with a well behind it and its

appurtenances; and the church of St Stephen, called “a Campo”; and the church of St Mary, called “Arciones”; and the church of St John, situated in Pinea with its appurtenances.

Moreover, we confirm to you the monastery of St Valentine in its entirety, with all its buildings and appurtenances, situated outside the gate, also called St Valentine, under the jurisdiction of the above-mentioned monastery.

Furthermore, we confirm to you the Milvian Bridge entirely, with all its entrances and exits, tolls and tribute. Also the sown land outside the gate of St Valentine near the walls of Rome, on the left hand:

on the first side, the ditch called Carbonaria between the wall itself, and the land extending to the river Tiber;

on the second side by the river itself;

on the third side by the public road which leads to and returns from St Valentine;

and on the fourth side […] under the jurisdiction of the Holy Roman Church.

On the mountain and other sown land with its gardens at the entrance, with all that pertains to it. There, going with the right hand towards St Valentine, with the large arch within the land called Passaranum and the fish pond:

on the first side the public road, and on the second side the fountain of common living water between the monastery and Gregory Mansonario of the School of Confession of St Peter the Apostle. From there straight to the head of the old wall, and on the third side the land of the monastery of St Cyriacus, situated on the Via Lata, and straight along the boundary upwards through the Plain of the Mountain called Bossetulo, and exiting on the Flaminian Way.

We also confirm to you the farm called Girulo, with its trees, with all that pertains to it, as belongs to you from the series of charters, situated outside the gate of St Valentine, about one mile from the city of Rome:

on one side, by the public road, the ancient paved way descending to Sanguinaria, and on the second side by the living water Formello which comes out under the mountain of Girulo, and the meadow of St Cyriacus; on the third side […] the monastery of St Valentine, and the sown land under the jurisdiction of your monastery, which the heirs of Rome hold, from the Campus Martius on the fourth side.

Also, we confirm to you a farm called Pelajolo, with its sown lands, fields, meadows, pastures, and the mountain in which the church of St Sylvester is situated in the wilderness, and with all that pertains to it, as formerly Albericus, a Roman senator, gave through a charter of exchange, signed by him and his brothers with their hands (Constantius, a noble man, Sergius, bishop of the holy church of Nepesina, with Berta and another Berta), on account of the valley of St Vitus situated outside the Salaria gate, about three miles from the river Tiber:

on one side the farm Gorgini, on the second side the Tiber itself, and land where the vineyards now are, with the meadow from the monastery of St Basil in the "Scala Mortuorum;" also the meadow from the monastery of St […]; the land with the meadow from Gregory at Capo Marzo; on the third side the farm "ad quinque columnas," called Molario, and on the fourth side.

Also, we confirm the farms called Gallorum and Balleolum and Pacianum, or by whatever other names they are called, as formerly […], which he offered to the monastery through a donation charter, with sown lands, sandpits, fields, pastures, meadows, buildings with walls, adjacent and adjoining mountains, plains, wells, fountains, cultivated and uncultivated lands, and all that pertains to it, situated outside […], about one mile from the bridge:

on one side the farm formerly of Rose, and on the second side the old wall, and the land which formerly was of Azzone's chapel, now held by Elpizo, a noble man; on the third

side the land of Stephen, of Theodore […]; on the fourth side the crypt called Serpentarico with other vacant land under the jurisdiction of the monastery of St Vitus.

Also, other sown lands, two plots, situated next to the farm, the crypt under the jurisdiction of the monastery of St Vitus. Similarly, and outside […], the farm called Lampati with all that pertains.

We confirm to you a farm called Aguziano, situated outside the Matra bridge. Furthermore, we confirm to you three farms, one called "Ponte de Nono," inside the bridge itself, with various sown lands, trees, and sandpits covered with stonework, cultivated and uncultivated, and with all that pertains, situated at the bridge of St John, called the Via Latina, about nine miles from the city of Rome:

on the first side, the aqueduct called Claudia and the bridge called Nono; on the second side, the aqueduct called Ebeberatorium; on the third side, the court of Morene; on the fourth side, the boundary called "justa crypta," called Ardenda, under the jurisdiction of the Holy Roman Church.

Also, another farm called Dominicalia, in which is a deserted church with its gardens and walls, cultivated and uncultivated, and with all that pertains to it, situated on the Via Latina, next to the farm called "Ponte de Nono:"

on one side the farm itself, on the second side a stream called Papati, on the third side the public road with ancient paving, and on the fourth side the larger aqueduct and the farm called "septem Vassi" with its appurtenances.

Also, another farm, called […], with various places, namely the valley Manciaria, Casa Pretiosa, the mountain called Paulelli, and the field called Albanensis, with their lands and sown fields, woods and various trees, watermills, and a deserted church called St Peter, situated on the Via Latina about ten miles from the city of Rome:

on one side, sown land where formerly were meadows called Pauli; on the second side, the farm Civitella; on the third side, the public road descending to the cell of St Peter; and on the fourth side, the deserted church called St Mary in Diaconia; and from there it descends along the ditch to the larger aqueduct, under the jurisdiction of the venerable monastery of the holy apostles Andrew and Bartholomew, called Honorius.

Also, a church called the Holy Angel, with vineyards and lands, situated in the Albanense territory, about […], on the mountain called Crescentuli, together with vineyards with their entrances and footpaths, situated in the Albanense territory in the place called Cassa Nova. Also, four vineyard plots with footpaths, entrances, and threshing floors, in the place called Jusi; and a vineyard with footpaths and threshing floors and entrances, from the Ariciense territory, situated in the place called Cucurti.

Also, we grant you a farm called Zinziomi, with the church of St Mary, vineyards, lands, watermill, and sandpits, in the Albanense territory, situated about the thirteenth mile from the city of Rome.

Also, two vineyard plots in the place called Honorius, in the Ariciense territory. In the above-mentioned Ariciense territory, in the place called […], at the foot of the larger paved road, under the jurisdiction of the venerable diaconia of St Mary called Cosmedi.

We grant and confirm to you one half of a saltwork in the place called Fossatum Majore, as it has come to you through the series of charters from the heirs of the former lord called Cacoinbucte. Similarly, another saltwork called St Sylvester, in the place Campo Majore, under the jurisdiction of the aforesaid monastery.

Also, we confirm to you two watermills in the river Tiber, situated near the School of the Frisians, the same watermill formerly of Alto Amaro […], and another watermill, with its machinery, entrances, and all its appurtenances, as our predecessor, Pope Agapetus II, most

holy, through his privilege granted and confirmed to you, on the river Tiber before Clavaca, with water behind for making another watermill:

on one side, the watermill of St Mary in the Capitol and the watermill of Leo the *protoseminarius*; on the second side, half of the river itself; on the third side, the watermill of Theophylact called Numencularius, and the watermill of the monastery of St Cyriacus, on the Via Lata; and on the fourth side, the public road under whose jurisdiction it exists.

Also the monastery called St Terentianus, with all its subordinate cells, namely St Stephen and St Mary, and the cell of St Benedict, and St Sylvester, and St Valentine, with all their appurtenances, situated in the Polimarciense territory, under the jurisdiction of the monastery of St Lawrence the Martyr of Christ. By the intercessions of the saints, the work of Christ is strengthened at night.

Your piety requested that we confirm to you, in honour of God and of our Saviour, Lord Jesus Christ, Curiliani with all its appurtenances.

The monastery had a territory called Ortana, which we recognise as having been taken within the last two years. Out of mercy and concern for the poverty of the monastery, and for the support of the brother monks, we grant and confirm it to you and your successors in perpetuity, together with its farmsteads, Mojana, Tojana, Occiana, Antiquina […], Suranco, Betruano, the farm Pingiano, Terenzano, Centum Cellae, Coriliano (or Catiliano or Camilliano), Pozanelle, Genbriano, Collicello, Julianello, Sepuliano, the well of the farm Fuficanum with its streams and waters, and its houses, vineyards, lands, woods, fields […], pastures, groves, fruit and non-fruit trees, wells, fountains, perennial streams, old buildings and adjoining ones, cultivated or uncultivated, its watermills, and the colonists, male and female, and all which pertains to Ortana.

Likewise, we grant and confirm to you a church called St Juvenal, with lands, woods, and olive groves, all trees, cultivated or uncultivated, situated in the Ortana territory, about fifty miles from the city of Rome.

Again, we establish for you Ortana, the houses pertaining to the church of St Juvenal, and all immovable properties which pertain to the jurisdiction of the venerable monastery, both within the city of Ortana and in its territory outside.

Also, we confirm to you Paternum, with all its appurtenances, houses, vineyards and lands, woods, meadows, groves, and with all that pertains to it, both inside and outside, situated in the Ortana territory:

on one side, Caselle, on the second side, the flowing river; on the third side, Coreliano; and on the fourth side, the farm under the jurisdiction of Pinatori and Septiniano.

We also establish for you all immovable properties which pertain to the rights of the monastery within the city Gallesana, and in its territory, and in the three farms called Cazanum, Pusinia, and Cesa Narniense.

Also, the territory called Preciliano we grant to you with all that pertains to it, situated in the Savinense territory, under the jurisdiction of the Holy Roman Church:

on one side, the territory called Paura; on the second side, the stream of Utriculum called Butino; on the third side, property of the monastery of St Mary; and on the fourth side, property of the monastery of the Holy Saviour.

We also confirm to you the properties which pertain to your monastery by jurisdiction and right in the Nepetino territory, and Casa Mala, which is part of the estate called Casa Nova, and Bobarica and Boltejano, together with the male and female servants residing there, pertaining to the monastery of yours.

Nor do we fail to confirm to you those things which, through a series of charters, pertain to you from the territory of Alto, formerly of Amaro.

Also, we confirm a farm called Paccianum, with all that pertains to it, situated in the Sutrino territory, and the cell of St George with its appurtenances in the Sutrino territory.

Likewise, we confirm to you all properties which pertain by right and title to your monastery in the whole Collinense territory, and in the place called Vallis and Tintorissi, on the mountain called de Arca, and in St Cassano and in the court, and in Baccaricio, with vineyards and sown lands, woods with their larger marsh, houses and colonists and female colonists, all the immovable properties being under the jurisdiction of our holy Roman Church and the monastery and of any other pious places, wherever they exist.

Inclined by your prayers and by the intercession of souls, for the inviolable confirmation and stability of the monastery, through this perpetual precept, we grant to you the territory called Ortana, with vineyards and lands, small farms and watermills, and all the colonists, female colonists, their sons and daughters residing there, with the church of St Juvenal situated nearby. Likewise also Paternum entirely, and with all that pertains to it, as is read above, in the present fifth indiction [A.D. 962], forever.

We grant and confirm to you, to your monastery, that all of this is to be held unshaken. No count or castellan, nor any person great or small, may diminish or alienate in any way the above-mentioned territory or church, or any of its appurtenances, or the families residing there, or litigate against the monastery. If anyone should attempt to litigate against the monastery concerning what has been entrusted, or concerning the appurtenances of the territory or church, it shall be empty and void, and it shall have been contracted unjustly and against the law.

We establish by apostolic censure, under divine judgement, and by the authority of blessed Peter the Prince of the Apostles, under the bond of anathema, that none of our successors, nor any other, great or small, shall dare to exert force against the territory or church, or vineyards, lands, or anything pertaining to it. It shall remain for its own benefit and

for the use for the monastery, for the sustenance and alms of the monks residing there, forever.

If anyone should dare with rash audacity to contemn this apostolic precept of confirmation, let him know that he is bound by the chain of the anathema of our lord Peter, Prince of the Apostles, and alienated from the kingdom of God, and consigned with the devil and his most atrocious pomps. With Judas the betrayer of Jesus Christ, he shall be forever consumed in fire, and plunged into the Tartarean Chaos,[404] together with the wicked.

But whoever, with pious intention, is a guardian and obedient observer of this salutary precept, let him deserve to obtain the blessing and heavenly grace of reward, and eternal joys under the just judge, our Lord God.

Written by the hand of Leo, *scriniarius* [archivist/scribe] of the holy Roman Church, in the month of March, and the above-mentioned fifth indiction [A.D. 962].[405]

Farewell.

Given on the eighth day of March, through the hand of John, bishop and librarian of the holy Apostolic See, in the seventh year, by God's favour, of the pontificate of our lord John XII, supreme and universal pope, in the most Holy See of blessed Peter the Apostle.

I, Cirinus, scriniarius of the holy Roman Church, found this in a small charter of privilege of Bishop John. I have neither diminished nor added anything. I wrote and faithfully copied it: thanks be to God.

I, John, son of Laurentius Angeli of the City, notary by the authority of the holy Roman prefecture, having been requested by the religious and honourable woman Lady Jacoba de Comite, abbess of the monastery of St Silvester at the Head, have taken the

[404] Regarding the issues of *Tartarean*, see the note on G.IV above.
[405] The fifth indiction ran from 24th September, 961 to 23rd September, 962.

parchment privilege, as I was able to perceive it in the copy written by Cirinus, formerly scriniarius of the holy Roman Church, and have faithfully copied, reducing it into public form from that very copy which appears in the Limentan Letter (that is, the Beneventan script), together with literate men, and especially the venerable man Lord John, bishop of Nepi, vicar general in the City of the lord pope, and in the presence of John of All Saints, John son of Laurentius, Peter son of Laurentius, James son of Nicholas, Omniasanctus, and Francis son of Laurentius Mancini, notaries, witnesses requested and hearing. Unless perhaps a letter or syllable by error is missing or added which could alter the truth of the said instrument, I have faithfully reduced it into public form, as requested, in the year of the Lord 1318, in the pontificate of lord Pope John XXII, first indiction,[406] *on the 26th day of April.*

L.XXIII.

Privilege of Pope John XII, for the monastery of St Peter of Bivora.

The monastery of Saints Peter, John, Vitus, Stephen, and Agatha of Bivora, founded by Count Billing, he subjects to the jurisdiction of the Apostolic See, and confirms its goods, in such a way "that to it and to its successors, at each individual indiction, one pound of silver is reasonably to be contributed on the altar of St Peter."

(Year 963.)

[Original: Guelferbytan Collection IV, 556.. Augmented by Zimmermann, *Papsturkunden*, vol.I., p.291.].

John, bishop, servant of the servants of God, to his beloved son Count Billing, and to Abbot Bertheim, ordained by you in the monastery of St Peter, Prince of the Apostles, St John

[406] 1318 was indeed the first indiction.

the Baptist, and Stephen the Protomartyr, as well as St Vitus and the virgin Agatha, which has been newly built by you, and to his successors as abbots, forever.

The summit of apostolic dignity shines forth in the brightness of divine providence when it strives more zealously to labour in exercising of the praises of God. The care of apostolic pastoral solicitude compels us to promulgate abundantly whatever is known to pertain to the stability of [holy] places, and to confirm it by apostolic institution.

You have requested that the monastery of St Peter, Prince of the Apostles, and of St John the Baptist, and of St Vitus, and of St Stephen, and of the virgin Agatha, situated in the place called Bivora in the territory of Mainz, be adorned with the privileges of the Apostolic See. Being established under the jurisdiction of our holy Church, which by God's help we serve, it shall be subjected to the jurisdictions of no other church.

Favouring pious desires, by this authority we effect what is requested.

We forbid, by this authority, any priest of whatever church to have any power within the monastery except the Apostolic See. Unless he has been invited by the abbot of the monastery, no one may presume to celebrate Mass there.

Promulgating these things by the authority of blessed Peter, Prince of the Apostles, before God and His dreadful future judgement, through this page of our apostolic privilege we sanction and decree that the places donated or granted by you to the monastery, and likewise the other possessions bestowed and offered by kings and dukes and other Christians, or which shall hereafter be granted, are to belong with firm stability to the right of the monastery and are to remain in perpetuity. Provided that you and your successors, in each and every indiction, by way of rent, according to reason, offer one pound of silver upon the altar of St Peter.

Nor shall there be licence for any person, great or small, to take away anything from the monastery or from the men pertaining to it. The venerable place, being subject to the apostolic decree and privilege, shall remain endowed and unshaken.

But if anyone, which we do not desire, should with wicked boldness oppose or transgress those things established by us to the praise of God and for the stability of the monastery, let him know that he is bound by the bond of anathema and is appointed to be burned with the devil and his most atrocious pomps, and with Judas, the betrayer of our Lord Jesus Christ, in the punishment of eternal fire.

But whoever, with pious intent, shall have been an observer and in all things a keeper of this apostolic decree directed to the worship of God, may he receive in manifold measure the grace of blessing from our most merciful Lord God, and may he merit to share in eternal life.

Written by the hand of Leo, *scriniarius* [archivist/scribe] and notary of the Holy Apostolic See, in the month of April, in the sixth indiction [A.D.963].[407]

Farewell!

Given on the seventh day before the Kalends of May [25th April], by the hand of Andrew, *arcarius* [treasurer] of the Holy Apostolic See, in the seventh year,[408] God being propitious, of the pontificate of lord John XII, supreme pontiff and universal pope, in the most Holy See of blessed Peter the apostle, in the second year of the reign of the most pious and perpetual Augustus Otto,[409] crowned by God the great and peaceful emperor, in the month of April, in the aforesaid sixth indiction.

L.XXIV.

[407] The sixth indiction ran from 24th September, 962 to 23rd September, 963.
[408] April 963 was indeed the seventh year of John XII (955-964).
[409] Emperor Otto I was crowned in February 962. April 963 was indeed his second year.

Rescript of Pope John XII, to the bishops of the Roman synod.

(Year 963.)

[Pertz, *Monumenta Germaniae Historica: Leges*, II, 30.]

We have heard it said that you wish to make another pope; if you do this, I excommunicate you from Almighty God, so that you may have no permission to ordain anyone or to celebrate Mass.

L.XXV.

Synod of Pope John XII in February 964.[410][411]

A council meeting in St Peter's Basilica under the presidency of Pope John XII, at the pope's request, condemns as uncanonical the synod of Emperor Otto I held in December 963 in the pope's absence. It condemns the consecration of Leo VIII (as pope), carried out during John XII's lifetime and in disregard of the canonical intervals, and inflicts upon Leo, as a neophyte and perjured invader of Rome, deposition and excommunication in absentia, and threatens his supporters with anathema.

(Year 964).

[Zimmermann, *Papsturkunden*, vol.I., p.301.].[412]

[410] For the addition of this letter to the corpus, see the Translator's Note above.
[411] Zimmermann categorises this under Pope Leo VIII. Migne does not include it at all.
[412] Zimmermann (pp.301-302.) further summarises:
The ordinators of Leo VIII, the bishops Benedict I of Porto and Gregory of Albano, submit a written confession of guilt and are initially suspended. The council condemns simony, especially with regard to Leo VIII, leaves the judgement concerning the abbots who took part in the imperial council to the pope, but emphatically enjoins the *stabilitas loci* of the monks.
Finally, the pope proclaims the deposition of Bishop Sico of Ostia, who failed to appear for justification, on account of the uncanonical ordination of Leo VIII; he declares Leo's ordinations invalid, restores those ordained by him to their former *ordo* by the removal of their insignia, with exclusion from any future career, and forbids laypeople to remain near the altar during the Mass. The pope signs the conciliar act.

A council in the church of the blessed Peter, Prince of the Apostles … with the most pious and co-angelic lord John, supreme pontiff, presiding.

[…]

I, John, bishop of the holy catholic and apostolic Roman Church, have subscribed to this decree promulgated by us, as is read above.[413]

[413] In addition to these fragments and summaries supplied by Zimmermann, we also have two quotes of Pope John XII from the Synod in question:
"You know, dearly beloved brethren, that by the power of the emperor I was expelled from my see for two months. I ask you then if, according to the canons, that can be called a synod which was held in my absence in my church on December 4 by the Emperor Otto and his archbishops and bishops?"
(Horace K. Mann, *The Lives of the Popes in the Early Middle Ages, Vol. IV: The Popes in the Days of Feudal Anarchy, 891-999* (1910), p.263.).
"By the authority of God Almighty, of the Princes of the Apostles, Peter and Paul, of the ecumenical councils and by the judgment of the Holy Spirit pronounced by us, may Leo, one of the employees of our curia, a neophyte, and a man who has broken his troth to us, be deprived of all clerical honours; and if, hereafter, he should again attempt to sit on the apostolic throne, or perform any sacerdotal function, let him be anathematised along with his aiders and abettors, and, except in danger of death, not receive the sacred body of Our Lord Jesus Christ."
(Horace K. Mann, *The Lives of the Popes in the Early Middle Ages, Vol. IV: The Popes in the Days of Feudal Anarchy, 891-999* (1910), p.263.).

Appendix A: Additional John X materials

Appendix A: I

Letter of Archbishop Giovanni da Tossignano, of Ravenna, later Pope John X, to the monastery of Nonantola.[414]

(Year 909)

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.7.]

Letter of Giovanni da Tossignano, archbishop of Ravenna, to the monastery of Nonantola, in which he claims his rights and jurisdiction – published by Tiraboschi, Storia della Badia di Nonantola, vol. II, pp. 93–94. The title 'servus servorum Dei' was at that time usurped not only by the one of Ravenna, but also by other bishops as well.[415]

John, bishop, servant of the servants of God, to the venerable abbot Peter and all the brothers of the monastery of St Sylvester, greeting.

We greatly wonder at the prudence of your counsel, fallen into such sloth. Those things which from the beginning of your monastery were established by the most pious and most Christian emperors, and likewise by the Roman pontiffs, and strengthened by apostolic firmness, you – by what rashness I know not – have presumed to break.

Indeed, you know well, how the monastery of Nonantola was founded, just as our precepts demonstrate, precepts which you hold in your hands, and have among yourselves. From the day of memory, it was consecrated and sanctified by the most holy Sergius, archbishop of the church of Ravenna, over which, by the authority of God, we preside, at the effect of its first construction.

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[414] That is, a letter from John X before he became Pope.
[415] As per Liverani.

This was granted through the most holy privileges of the most holy pontiffs of the Roman See and by pious kings and emperors, to our holy Ravenna church in perpetuity: the consecration of the church shall be performed by no one except by the pontiffs of our See.

We are not moderately troubled, when you renounce such privileges and such decrees of the fathers. If any dispute had arisen among you, it ought to have been approved by the judgement of this See. Do you not know those things your predecessors kept? Have you perhaps forgotten those privileges your fathers guarded? For it is written: "Ask your elders and they will announce it to you; your seniors, and they will tell you."

There are enough among you who can point out the memory of that time, when this holy metropolitan church, your mother, was held in such regard, that whatever in your church was necessary to be prescribed in council was always referred to it.

As for the church of Modena, it is hidden from no one that it is our suffragan. Nor is it permitted to Modena to do anything in doubtful matters without our counsel. How much more, then, if it should presume by proud rashness to attempt anything against us. It is subject to our jurisdiction, and follows our sentence – lest by presumption it further violates the rules.

Whatever has been presumed in the monastery by our suffragan church of Modena is utterly void and illicit by the authority of the holy fathers. Against its own mother it hurls darts of presumption. It presumes to grant to another what it did not have itself.

On which account, warning you all, we command that henceforth you do not follow the aforesaid usurpation, but yield to that which antiquity obtained for your monastery. We have reported all these things to our lord the king, knowing that the king has no prejudice towards our church. But we believe that what was commanded by the holy pontiffs and the pious emperors he will keep inviolate, worthy of all observance.

If you act otherwise, know without doubt that we will excommunicate you, and moreover we will bring in apostolic authority, which will cut you off from all ecclesiastical

ministry. Likewise, we expressly command, that in a matter of this kind you make no judgements except into our presence, just as the law and authority of the holy fathers instruct.

If otherwise, you will in every way pay the penalty, as we have said.

Appendix A: II

Unpublished diploma of Emperor Berengar, given from Rome at the time of the coronation, to the monastery of Monte Amiata.

(Year 915)[416]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.13.]

IN THE NAME OF THE LORD GOD ETERNAL.

Berengar, Emperor Augustus.

It is fitting that those who prudently arrange the services of God and ask that this be confirmed by our strengthening, we obey the more willingly the more we understand the things pleasing to God. With prudence, God protecting, we have taken zealous care to bring them to effect.

Let all the faithful of the holy Church of God. and our followers, present and future, learn of [what happened] when we entrusted to our little son Guido, the glorious marquis, the monastery of the Lord Saviour on Mount Amiata to govern. Through the neglect of God's service and through the carelessness of your predecessors in administering those serving God there, we discovered many failings. He diligently strove to correct these failings, according to the Rule under which the monks there served God, and to grant only to those devoted to divine services a sufficiency of their needs, to such extent that the prelate of the monastery of

[416] Liverani's dating.

the Lord Saviour, whoever he might be, and his successors, whether abbot or provost, together with the subject monks, might henceforth in the future deserve to have sufficiently.

For the love of God and for the remedy of our souls and of the souls of our successors, kings or emperors, I grant to them for the sufficiency of their needs the cell of St Benedict at the estate of Pallea, the cell of St Stephen at Monticello, and the cell of St Mary at Lamales.

The little estate of Mastia, and also the little estate of Titianus, and in Cerra the *angariales*, and also in Feronianus and its dependents, and also the cell of St Stephen in Tarquinia, and also the cell of St Severus above the lake with the little estate of Bisentius. Also, the cell of St Minias, and also the little cell of St Mary of Valerianus with those properties of Curlio with all appurtenances and adjacencies, having only for their own uses the right and sustenance to be taken regularly, solely for divine services day and night. For the stability of the whole empire committed to us by God they shall strive to labour.

That which I have done with good zeal and good will, let it have perpetual stability. [The petition] sought our piety, that we should continue this our arrangement by written record, just as indeed we do.

Finally, we grant to the aforesaid monastery all tithe, freedom from judicial burdens, or every composition and public levy, from all the dependents of the aforesaid cells and estates, for the remedy of our soul and of the souls of our successors, kings or emperors who shall be in future times. To be delivered at the gate of the same monastery, always for the use of sustaining pilgrims, for nourishment and for the increase of our souls, on account of the oppressions of wicked and evil men which they by no means can endure or sustain.

For the same holy place we have ordered this precept to be made, through which we command that from henceforth the same holy congregation, in all quietness, without any public claim or subtraction of the rector of that place, may have and arrange and dispose of

the same cells and estates in their own uses and necessities, in order that, having sufficiency from them, in divine services and in their service to us, they may bring forth everlasting remedy.

But if anyone, which we by no means believe will happen, whether great or small, shall with rash daring attempt to contend against, or to break, molest, or disturb, or to empty or diminish, or even to injure the aforesaid cells and estates, or shall presume at any time to inflict any violence, let him know that he will be bound to pay thirty pounds of silver and five pounds of refined gold, half to our palace and half to the rectors of the same church.

So that this precept of our authority may by the Lord's help remain unshaken for future times, we have confirmed it below with our own hand and have ordered it to be marked with the impression of our seal.

Sign of lord Berengar the most serene emperor.

I, John the chancellor, in place of Ardingo the bishop and archchancellor, have recognised [it], etc.

Given on the sixth day before the Ides of December [8th December], in the year of the Lord's Incarnation 915, in the twenty-eighth year of lord Berengar the most serene king, in the eleventh year of his empire, in the fourth indiction.[417]

Done at Rome, in the name of Christ. Amen.

Seal + Sign, whose traces are present.

Appendix A: III

Record of Pope John X – emphyteusis of certain goods of the School of Singers.[418]

[417] The fourth indiction ran from 24th September, 915 to 23rd September, 916.
[418] This is summarised as a John X letter by Zimmermann, *Papsturkunden*, p.76.. Liverani's version, reproduced here, gives the full wording of the charter.

(Year 919)

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume, IV, p.47.][419]

Year four of the pontificate of lord John, supreme pontiff, universal pope, indiction seven,[420] in the month of April, on the 25th day.

With the help of Christ, an agreement was reached between John, the venerable subdeacon of the holy Roman church and *primicerius* of the School of Singers, called the orphanage (the School of Singers consenting, at the order of lord Pope John X), and on the other side Mark, the religious presbyter, and likewise Petronia, an honourable woman, and Andrew, an amiable man, and Stephania, as a spouse.

With the help of the Lord, Mark the presbyter, and likewise Petronia, and Andrew and Stephania, the married couple, honourable men and women, will receive from John the subdeacon, with the whole School of Singers consenting, under title of leasehold, arable land of about 25 *modii*, with deserted walls and with all things generally and wholly pertaining to them, situated outside the great gate, and on three sides surrounded by public streets, and on the fourth by the great marble arch before the gate itself, on the right of the School of Singers.

By their diligence and their labour, the aforesaid Mark, and those persons named above, shall hold and possess [the land] with all things pertaining to it, and cultivate for the better worship of the Lord. They and their heirs shall profit up to the third degree, the third generation, those aforesaid and their sons and grandsons begotten of legitimate offspring. If

[419] Liverani's comments: "Published by Galletti in *Pini Icerio* 492–93, without perhaps knowing that it had already been made public by Muratori, *Antiquitates*, vol. III, p. 257, who read 25 April – and referred it to 954 and to John XI, passing over the very words of the diploma which name John X. Indeed, on p. 238 he affirms that John XI could be called X, because he was rather an antipope, contrary to what he had so many times previously affirmed in the annals. That year IV cannot stand together with the indiction VII, that is with 919; in which was the fifth year of Pope John. – Duret, p. 294 no. XXIX and p. 296 no. XVIII, *Geschichtsblätter* etc. 1856, would wish to change the indiction VII into VI in order to have the year 918 – the fourth of the pontificate – but I would not agree, for the reason that it is announced twice and always the same. More reasonable is that the year number was badly deciphered."

[420] The seventh indiction ran from 24th September, 918 to 23rd September, 919.

sons or grandsons should not exist, they have permission to leave [the land] to two outside persons whom they wish, except to pious places or to public ranks of soldiers or to the *bandum* [military levy]. The ownership of the aforesaid School of Singers shall be preserved in all things.

For this land, with the walls and with all things pertaining to them, Mark together with the other persons, and their heirs by right, shall give and pay to the aforesaid School every five years, without any delay or postponement, as rent, six denarii of good and full weight.

When the third generation shall have been completed, the land itself, with all things pertaining to it, just as it shall have been cultivated and improved, shall in every way revert to the right of the aforesaid School, whose property it is. Whoever shall have care may again have the freedom of leasing to whom they prefer without any dispute.

Concerning this matter and about all these things, both parties swear, through the Lord Almighty, and the holy Apostolic See, and the health of the most blessed apostolic lord Pope John X, that the text of this charter of agreement and covenant they will inviolably observe and fulfil.

If any of them shall come against the tenor of this agreement and covenant, in whole or in part, in any manner, let the faithless party give to the party keeping faith, before the beginning of any lawsuit, a penalty six ounces of gold. After the penalty has been paid, let the tenor of this charter remain in its strength.

These two charters, uniform, written at one time, Mark and Adrian the *scriniarius* [scribe] and notary of the city of Rome dictated equally. Strengthening them with their own hands, they gave them to be subscribed by witnesses whom they requested, and they handed them to each other, with solemn stipulation and promise interposed, in the month and indiction seven.

John, subdeacon and *primicerius* of the School of Singers, confirmed this agreement with his hand and asked the witnesses to subscribe.

Witnesses, VRSB:[421]

Sergius, S.B.[422]

John, consul

Rudolf, consul

ADI + R,[423] consul

Adrian, *scriniarius* and notary of the city of Rome, completed and confirmed.

Appendix A: IV

Capitulum of the union between the Greek and Latin church, established in Constantinople at the time of Constantine and the Roman emperors and of Pope John X.[424]

(Year 921).[425]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.59.]

The Book of the Union, or Exposition of the Holy Union in the Church of Constantinople, in the time of Constantine and the Roman emperors, of whom the one then ruled, the other shone in that dignity, which he heard from the emperor.

[421] *viderunt rogati subscripserunt bona fide*: having seen, when asked, they subscribed in good faith.
[422] *Subscripsit bona fide:* he subscribed in good faith.
[423] ADI rogatus: Adi (Adrian?), being asked, signed with a cross.
[424] In 920, the Emperors of Constantinople, and the Patriarch of Constantinople, asked John X to send legates to Constantinople, to confirm the acts of a Synod denouncing fourth marriages. This was a legacy arising from Emperor Leo VI (886-912).
[425] Liverani's dating.

Our Lord God Jesus Christ left to His disciples and apostles, and to those who proved worthy of His inheritance, a certain excellent good, namely, peace, giving this as a sign of affection towards Him, so that, bound by the bond of peace, they might not dissolve the union of the spirit.

He himself, having revealed to us what His judgement concerning peace was, descended from above all sublimity to our weak extremity, and in the same way made us, partakers of flesh and blood, so that those divided from Him might be brought to unity.

Hence also to those who are instructed in His doctrine, He left this inheritance, that they might cultivate peace with each other. And not only this, but also that they might draw others who are at variance with each other to equality.

Since matters were thus arranged, from the beginning until now, the seditious malice of evil has not ceased to disturb the sacred body of the church, at one time moving this, at another that cause.

But behold, here is such a one. The author and master of peace, Christ, our God, said that the gates of hell shall not prevail against His church, and always turned scandals upon the head of the evil one, and preserved the peace of His church unspotted.

Christ Himself, our peace, God, ruler, pontiff, true shepherd, restored by His providence and grace the union to the saints of His most chaste spouse, namely the church, whose children had been divided among themselves. He gathered them again into the blameless bosom of the mother, and granted to her that she might rejoice in the congregation of her children, a true offering of glory and praise to Him, proceeding from one mouth and one heart. To all those who do not incline to the turbulent will of the devil, but observe and follow the command of the author of peace, the performance of thanksgiving is granted.

In earlier times, opportunities for scandal arose. At any time, when evil itself stirred, those governing the churches found suitable remedy. But now, since the church has been

disturbed on account of marriage, and since that marriage is not without blame, the judgement of the church issues its prohibition, so that no further progress may be made on the matter, and that these nuptials find no place.

Now and in the future, the faithful shall render themselves immune from scandal, whence comes contention and strife rather than the peace of Christ. Once the occasion, from which scandals arose, has been removed, there is no reason why those zealous for peace should not cultivate it.

In every matter, when affairs are thus arranged, once the deceitful cause of absurdities has been removed, they return to their former elegance. When the body, occupied by disease, recovers once the cause of disease is removed, it returns whole and sound. After the violence of the sea and winds has ceased, calm serenity returns.

Therefore, we, publicly assembled, pontiffs and priests, not thinking to please ourselves (for we do not speak to others for our own sake), but deeming it better to prefer the peace of the church over seditions, when scandals arise from matrimonial causes, judge that these should be expunged. Care should be taken, lest in the future, scandals creep into human life, and the church be disturbed, and men fall into damnation.

And therefore, by common sentence and judgement, we decree that in this present year, which is the year of the world 6428, indiction eight [A.D. 920] no fourth marriages shall be contracted, but that they shall be entirely rejected. If anyone should proceed to such a marriage, let him be excluded from all ecclesiastical communion, and from entering the holy temple. So it seemed to the holy fathers who lived before us. And we, rendering the judgement more explicit, render him alien to the Christian commonwealth.

Concerning fourth marriages, and also those things which pertain to other marriages, let a proper constitution be established, and let the reconciliation of Christian life not be deemed unworthy. Concerning third marriages, we prohibit that they be simply and rashly

completed. For this was permitted by the fathers, as a certain contamination, when in that time, unlike now, matters were conducted without shame, and were widely diffused.

But if third marriages should happen, it is as if filth has fallen into a house, and lain neglected in some corner. Acquiring a certain audacity, and advancing greatly in frequency, nothing would be deemed filthy. Thus, it seems proper to purge, so that neither filth nor foulness should be left, now no longer confined to a corner, but spread throughout the very buildings. It shall be expelled, and the nausea arising from it removed.

Accommodating human weakness and considering the proper life of Christians, we decree this to be observed in third marriages.

If anyone, advanced to the age of forty, and not restrained by natural motion, nor by the decent and honest life required of Christians, but driven only by vicious lust, should throw himself into a third marriage, the reception of the sacrament shall be withheld for five years, and nothing shall be determined from this time.

For he who, after the age of forty, wishes to be called in the church of Christ and so forth, what argument does it provide for the correction of life that the time for receiving the sacraments should be diminished? Indeed, not even afterwards, when admitted to this unblemished reception, shall he be permitted to approach it at any other time, except in the sole salutary resurrection of Christ and our God, by the purification effected through the abstinence of previous fasts, as far as possible.

We decree this, since there are no children from prior marriages to those who now, after the fortieth year of age, wish to take a wife. For if there are children, a third marriage shall not be permitted. It is indeed unjust to indulge untimely lust, nor to provide foresight for children already begotten in prior marriages, so that they are free from grief and perturbation, and from other consequences which usually befall mortal kind in the procreation of many children from a second union.

If someone, thirty years old, and having children from prior marriages, takes a wife in a third marriage, he shall be excluded from the reception of sacraments for one year. Nothing else, save that he is moved by intemperance and the bondage of carnal lust, impels him to such marriage.

Likewise, after he has obtained the reception of the mysteries, he shall have the faculty to partake in them three times annually: once at the salutary resurrection of Christ our God; secondly, at the dormition of our immaculate Lady, the Mother of God; thirdly, on the nativity of Christ our God. A fast shall precede these, and benefit shall accrue from it.

But if no children survive [from prior marriages], in a certain sense to seek offspring is not such a thing as to deserve no pardon. This marriage shall be pardoned, and punished only with that penalty which formerly, and up to this time, has been in use.

And this concerning third marriages as well. Neither the second nor the first marriage shall be admitted without caution, but we have also determined that they are to be contracted in such a way that they have no improper cause, whether from abduction or from prior clandestine rape; but so that they are legitimate, and free from such defilements and the impurity of fornication.

If anyone, disregarding these constitutions, cohabits in the first or second conjugal relationship, the Church of Christ, which is pure and has neither stain nor wrinkle, shall subject him to salutary censures, and shall not admit him to the reception of the sacred mysteries until the time determined on account of fornication has been fully completed (unless perhaps the necessity of death urges otherwise). That is, until the seventh year is fulfilled.

Moreover, the priest who, neglecting the law already enacted, shall dare to admit any to the reception of any sacred rite, shall be jeopardised in his office. He who has been

admitted to the sacred communion contrary to the promulgated sanction shall be referred again among those awaiting communion, until the seventh year is completed.

Appendix A: V

Letter of the Patriarch of Constantinople to Pope John X concerning the reunion of the two churches, Greek and Latin.

(Year 921-922).[426]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.63.]

To John, the Most Blessed Pope.

How great and how many are the fruits of our hardships, through the fifteen years over which we have been tossed (for indeed they have passed, more or less, since first scandals spread through the Church, disturbing everything), it is exceedingly difficult for me to remember, most blessed Father. To recall them to your knowledge would be superfluous. Rather it is pleasing to share with friends and companions the peace of the Church that has been achieved, and the consent of all orders in those matters which pertain to the faith.

The matter was such that no hope seemed left for the striving of human efforts. Then suddenly all misunderstanding was lifted, and peace prevailed.

The Lord, indeed our God Jesus Christ, transformed that sacred winter and storm, raised by the works of the common enemy, in the very Halcyonian season. No trace of dissension remained, no scar of hatred. All, as if by the agreement of the ancients, forgot their opposition and found agreement. All went into the holy embrace of the holy Mother Church, which had long opposed them, with outstretched arms. As for us, indeed, matters stand thus.

[426] Liverani's dating.

But we desire also your fraternal affection. Your services to us have been interrupted by the difficulties of the times, and we long for the usual union of the Churches. We have therefore decided to send these letters to you, so that all memory of offence being laid aside, Your Holiness may be prompted towards sincere friendship and the union of hearts, as befits the shepherds of the people.

This will indeed happen once envoys are sent, when it is judged unanimously that the fourth marriage, which brought dissensions and scandals into the Church, was permitted not on account of the matter itself, but on account of the person. At the time, leniency and affection towards the prince [Emperor Leo VI] was advised, lest the refusal of him offend the mind and produce worse effects.

Thus, the name of Your Holiness will once again be celebrated in the sacred roll of the Church, as was the custom formerly, together with ours; so that we, filled on every side with joy, may enjoy the delight of peace.

So that you may attend diligently to this matter, the beloved Emperor again and again prays to God, and has sent as his envoy to Your Holiness the illustrious Basilius Protospatharius, prefect of the Golden Triclinium. To him we have joined Eulogius, an honourable priest, as companion of the journey and witness to the affair.

You, most blessed Father, will receive them (as I hope) with a cheerful countenance, and will repay us with the mutual duties of this legation.

To the venerable bishop John, whose virtue has already been experienced by us, we entrust this office, if it shall seem expedient, or to some other person not unlike him in character, who, if there are any matters still in need of correction, may be able to correct them with teaching and counsel together with us, according to ecclesiastical constitutions.

Farewell in the Lord, most blessed Father.

Appendix A: VI

Letter of the Patriarch of Constantinople to Simeon, Prince of Bulgaria.

(Year 921-923)[427]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.65.]

You are indeed still as a son to me, dearest Prince, although long since you have cast off all the obedience owed by a son to a father. That former love with which I have regarded you, and also the weighty authority of the most holy Roman Pope – whom to disobey is a crime – impels me once again to tears and prayers.

When the fame of our affairs had spread, he learned of the disasters of the Christian people, the pillaging, the flights, the desolations, and the other miseries of war by which we are afflicted. Such is his piety towards the flock of the Lord redeemed by His blood, he grieved from his soul over our evils, and resolved to meet them, lest they spread further.

Therefore, he sent legates: Theophylact, who holds the foremost place among his bishops, and Carus. Men most distinguished, of the same order, who by their exhortations might induce you to peace and to conclude a treaty with us – or if you should reject their commands, bind you in the name of the Holy Spirit with the indissoluble chain of anathema.

The most blessed pontiff enjoined this on me, that they might reach you safely and conveniently, with safe-conduct and a guide for the journey. We would have taken diligent care here, had I not been deterred from my undertaking by a certain evil report, which has long since taken root concerning you.

It is said, my son, that you are accustomed to cast into chains and hold under guard the legates coming to you – an example of cruelty plainly monstrous, and surpassing all

[427] Liverani's dating.

barbarity. For what nation is so savage, so removed from every sense of humanity, that it would not count such a deed among abominable crimes?

I greatly desired to carry out the commands of the most holy Pope, and wished to provide for the safety of the legates, yet I prevailed upon them with utmost entreaties that they should remain here with us, fearing lest, after the long weariness and toil of their journey, they might suffer harm from you.

I have given them apostolic letters to carry to you, and you will show yourself docile and obedient, if you will listen, indeed, if you will have regard for your own dignity and honour. Do not suppose that you may do against the most holy Roman Pontiff the same as once it was permitted you against me, whom you held up to mockery for so long. If you commit anything against him, you will not bear it with impunity.

The princes of the apostles, at whose altars he daily offers, casting angry eyes upon you, will move against you, as though to avenge their own injury by his contempt.

Let the fate of Ananias and Sapphira be brought to your mind, which Peter's rebuke gave to death; let the blindness of Elymas the magician, who opposed Paul, be presented to you. Pondering these monuments of apostolic indignation, a certain horror, and a salutary fear, will seize you, I know for certain, and will not permit that you despise the admonitions of the most blessed pope. Especially if the things told about you by your men are true – that you regard those heavenly Princes with a certain extraordinary veneration. If you truly venerate them, you will by no means contemn him who sits upon their throne.

Thus far concerning the Roman legation. By their coming (for why should I begrudge you a common joy under Christ's standards, although you fight against Christians by the devil's fraud), an end was put to the scandals which, on account of fourfold marriage had disturbed everything among us. Peace was restored to the clergy; sacred assemblies were held with marvellous concord of minds. To say it in a word, the Roman and Constantinopolitan

Church were joined together into one and the same faith. Nothing further prevents our enjoying their most desired communion and sanctification.

I finally admonish you in conclusion: hereafter, when you receive letters from those who hold authority, you should answer rather to the senate than to the men themselves. For it is ridiculous, and plainly unworthy of your prudence, to address servants while putting aside him whose commands they carry out – unless you delight to make sport in a matter not fit for jest.

If you seriously repent of wars, and are grieved not so much at blows received as at those inflicted, declare the intention of your mind to the emperors. Offer terms, appoint a day and place for conference. Whether you yourself come to us, or prefer to send others, there is no delay on my part. I will be present wherever you call, with men chosen from the senate, perhaps accomplishing the matter according to our desire, if God gives assent.

But if your mind is wholly otherwise, unless you owe mockery to our people, henceforth refrain from such derision. It does not at all become you.

May God defend you with the mightier aid, as you have undertaken the weightier task of ruling others; lest, as so often happens to men of princely rank, you succumb to the burden.

Appendix A: VII

Plea or judgement of Olderic, envoy of the emperor, concerning the estates of Fiscaglia and Campiglio.[428]

(Year 921).[429]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.69.]

[428] Relates to Pope John X's Privilege to the Archbishop of Ravenna (D.XVI.).
[429] Liverani's dating.

In the name of the Father and of the Son and of the Holy Spirit, Amen.

In the times of our lord John, supreme pontiff and universal pope, in the most holy Apostolic See of the lord blessed Peter the apostle, the seventh year. Likewise, with Berengar reigning, most pious, perpetual, august, peaceful, great emperor, in the tenth year, on the fifth day of the month of May, in the eighth indiction [A.D. 920], in the estate called Fiscalia.

A short record of remembrance. Lord Honestus, most religious archbishop of the holy church of Ravenna, and lord Olderic, vassal and envoy of the lord emperor, and Walpertus likewise judge of the lord emperor, and Egerulf judge of the lord emperor, and Lanfranc judge of the lord emperor, and Farimund judge of the lord emperor […] in the presence of these and of many others, the aforesaid lord Olderic, vassal and envoy of the aforesaid lord emperor, came together with the aforesaid lord Honestus archbishop, into the estate called Fiscalia. Lord Honestus the archbishop declared himself before all and before every other person who was in the same place, concerning all the men of the aforesaid estate Fiscalia, that they did not wish to serve nor to obey him, nor the holy Ravenna church of blessed Apollinaris. The aforesaid estate had been given and delivered by the holy Roman Church and the universal Pope to the aforesaid holy Ravenna Church of blessed Apollinaris, to be possessed in perpetuity.

And when the aforesaid lord Olderic, vassal and envoy of the lord emperor, had heard this, he thus began to interrogate and question those men of Fiscalia: "Why do you not serve, and why do you not wish to obey lord Honestus the archbishop, and St Apollinaris?"

And they all replied with one voice: "We do not know that this estate has been given and delivered by the holy Roman Church to the holy Ravenna church, as he says."

And so the lord archbishop had the page of the precept read through, and of the deed of emancipation which was made and delivered by the holy and universal Roman Church to the holy Ravenna Church concerning Fiscalia.

Whereupon all, greatly terrified with fear, confessed.

Before the judges who were in the same place, with the aforesaid lord Olderic and lord Honestus the archbishop, all the inhabitants of the whole estate swore, each one before all, that from that day forward they would never again resist the holy Ravenna church, but would remain obedient to the aforesaid church of St Apollinaris and to all the archbishops of Ravenna in perpetuity, and to the aforesaid lord Honestus the archbishop.

Moreover, the lord Olderic, envoy of the lord emperor, imposed a *ban* upon the head of lord Honestus the archbishop of one hundred pounds of gold, half to the treasury of the emperor and half to the treasury of St Apollinaris.

All the inhabitants of the estate bound themselves in the hand of the aforesaid lord archbishop. If they themselves or their sons and heirs should ever at any time rise up against the holy Ravenna church, or if they should at any time fail to remain obedient, they together with their sons and heirs would give to the aforesaid Honestus the archbishop and to his successors forever, by way of penalty, one hundred pounds of the best refined gold, and they would do and hold this forever, and would remain content.

Sign of the hand of lord Olderic, vassal and envoy of the lord emperor.

Walpertus, judge of the lord emperor, was present and subscribed.

Egerulf, judge of the lord emperor, was present and subscribed.

Lanfranc, judge of the lord emperor, was present and subscribed.

Wuilarius, judge of the lord emperor, was present and subscribed.

I, Peter, in the name of God, notary of Vico Maderio, writer of this record, by order of the same lord Olderic, envoy of the lord emperor, was present and subscribed.

Signatures / marks

Appendix A: VIII

Unpublished charter from the Farfa register, memorable because of the subscriptions of many contemporaries of Pope John X.[430]

(Year 927).[431]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.89.]

By the favour of our Lord, the pontificate of lord John X, Supreme Pontiff and Universal Pope, in the most Holy See of the blessed Apostle Peter, in the fourteenth indiction [A.D. 926][432], in the month of September, on the seventh day.

We, Theodora,[433] Anastasia, and Lea, respectable women, sisters born of the same parents, daughters of the late Leo, former *prior* of the *schola confessionis* of the venerable basilica of the blessed Apostle Paul, daughters of Pretiosa, with our husbands Benedict and John giving consent and will, on this day have decided and declared and handed over – nor have we refused or denied, with no one compelling us, or contradicting, or using force, but from our own spontaneous and free will – to you, lord Theophylact,[434] *prior* of the of the *schola confessionis* of the venerable basilica of the blessed Apostle Peter, and to Christodula,[435] honourable woman, spouses and co-owners, and to your heirs, or to whomever it shall please you to grant and bestow it:

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[430] Liverani likely finds this memorable because of the names Theodora and Theophylact. As shall be seen, this is not the famous Theodora of the period, nor Theodora II. Nor is this probably the famous Theophylact I, Count of Tusculum.

[431] Liverani's dating.

[432] The fourteenth indiction ran from 24th September, 925 to 23rd September, 926. This charter is at the end of the fourteenth indiction. I cannot explain Liverani's date of 927. The dating serves as a clue regarding Theodora and Theophylact here.

[433] Clearly not Theodora the Elder, wife of Theophylact I, Count of Tusculum. This Charter-Theodora mentions the husbands of herself and her sisters, and does not name the Count in this context. Moreover, Theodora the Elder died in 916, a decade before this charter. As for Theodora the Elder's daughter, Theodora II does not have the same named parents as this Charter-Theodora. Ergo, we are not dealing with the famous Theodora.

[434] The possibility that this is Theophylact I, Count of Tusculum, is much more likely than that we are dealing with the famous Theodora. He is listed as being consul and duke at the end. The problem is that Theophylact I died in 924 or 925, slightly before the dating of this charter. Moreover, there is the presence of Christodula. I can find no reference to Count Theophylact remarrying after the death of his wife in 916.

[435] The Latin reads Christoduli, which implies that the name is Christodulus. Except that this is a man's name, and the charter says this is an honourable woman. If Christodula is a woman, the Latin should read

Our whole portion, entire and complete, which belongs to us, of the *Filum Saline*, one portion of ours with everything pertaining to it in full, situated in Burdunaria, in the district called *Stainellum*,[436] among the shares of other parties, under the right of the venerable legal title of St Mark.

Both in the manner of inheritance and of sale, we newly grant and sell to you our entire portion of the *Filum Saline* with all things pertaining thereto. We, the female sellers, together with the consent and will of our husbands, have received from you, the male buyer, in the presence of the undersigned witnesses, good and new silver *mancusi*, as many as six, each *mancusus* reckoned at thirty denarii of bronze. We are fully satisfied with the entire payment, in true settlement.

And from this present day you shall have and hold licence and power in our entire portion, in full, of the *Filum Saline*, in Burdunaria in the district called *Stagnellum*,[437] with all its appurtenances. To enter, use, enjoy, possess, sell, and exchange, and to renew in your name and that of your heirs, and to pay the yearly tax, or to do whatever you wish to do or bring about therefrom, it shall be in your power and that of your heirs, and neither by us nor by any great or lesser person subject to us shall any claim or quarrel be raised against you or your heirs.

But if indeed any person, concerning these things, should raise a claim or lawsuit or quarrel against you or your heirs, then I together with my heirs permit myself to stand with you to defend your position, at all times and against all persons and in every place where it shall be necessary. In this matter we swear upon the crown of St Peter's Holy See and upon the health of the most blessed man, our lord John X, the most holy pope. All things the text of this charter of cession and sale expresses, we will preserve and fulfil inviolate.

Christodulae – but I think a scribal error of case-ending is more likely here than a scribal error turning 'honourable man' into 'honourable woman.'

[436] Called later Stegnellum. The Latin uses two spellings.

[437] See above for alternative spelling.

And if (God forbid) at any time we or our heirs presume to act against you or your heirs, and against this charter of cession and sale, which we have of our own free will asked to be drawn up, in any way or by any device which the human mind can conceive or grasp, let us incur the guilt of perjury. Moreover, we promise that we will pay you and your heirs, before any trial begins, twice the named price, and after the penalty has been exacted, let this charter of cession and sale nonetheless remain in its proper validity.

This charter, Leo, in the name of God consul and notary of the city of Rome, was asked to write. We have subscribed below with our own hand the sign of the holy cross, and the witnesses asked to subscribe.

Sign of the hand of Theodora, Anastasia, and Lea, respectable women, sisters, with the consent of our husbands Benedict and John.

Theophylact, consul and duke. I have agreed to this charter and subscribed with my own hand, and I have asked the witnesses to subscribe.

Peter, witness, asked in this charter.

Faustus, witness, asked.

Paul, consul and duke, witness, asked.

Gratian, consul and duke, witness, asked.

I, Leo, in the name of God consul and notary of the city of Rome, have completed and perfected this charter.

Appendix A: IX

A notable trial was held at Monte Argento concerning a dispute between the monastery of Monte Cassino and the dukes of Gaeta and the counts of Traietto and Fondi, in which two bulls of John VIII and John X relating to the Garigliano and to the

Saracens are inserted – published by Gattola in *De origine et progressu jurisdictionis* etc., vol. III, p. 109.

(Year 916)[438]

[Liverani, *Delle opere di monsignor Francesco Liverani*, volume IV, p.33.]

Leo of Ostia wrote these things about the dispute between the monks of Monte Cassino and the nobles of Cajeta and Traietto in Book XXXV:

At that same time a dispute of the dukes of Gaeta and the counts of Traietto arose against the monastery, because we had begun to reclaim certain lands and woods on the borders of Aquino, which from ancient times had pertained to this monastery. The monastery had received these lands a few years earlier from Pope John VIII and Pope John X by privilege, on the grounds that in the destruction of the Saracens dwelling by the Garigliano they had involved themselves very powerfully.

This matter was brought to trial at the castle of Argenteum, where Lord Atenulf, and with him the Prince of Capua and the archbishop of that city, as well as the duke of Naples and the bishop of Gaeta, and very many nobles and judges from various regions, had assembled.

First, in the presence of all, those aforesaid privileges of were read aloud. Then in turn there were read the decrees of Charles, Hugh, and Lothair, who had granted and confirmed those same lands to this monastery.

When this was done, it was decreed by the judges, both according to Roman laws and according to Lombard laws, that those lands could by no means in any way pertain to the men of Gaeta, but that we [the monastery] ought lawfully and firmly to hold them. And when this

[438] Liverani's dating.

sentence of the judges had been both praised and confirmed by the prince and by all the bystanders, the aforesaid dukes and counts, seeing that they could not oppose the authority of the laws, immediately made and delivered a charter of manifestation, or renunciation, concerning all those things, with a penalty of one hundred pounds of gold imposed, if ever either they themselves or their heirs should attempt in any way to break this.

In the name of our Lord and Saviour Jesus Christ. In the twenty-third year of the countship of Lord Dauferius and of Lord Lando, and in the twelfth year of the rule of Lord Ederadus and Lord Marinus, in the month of July, in the twelfth indiction, at Traietto, there arose a lawsuit between me, Dauferius, son of the late Lord Gregory of good memory, within the castle of Argenteum, pertaining to the city of Gaeta, and Liuto, monk, envoy of lord Atenulf, most reverend abbot of the monastery of St Benedict situated at Monte Cassino.

In this matter, Landolf appeared as advocate, concerning the lands and woods which seem to be in the borders of Aquino.

We were gathered in the castle before Lord Pandulf, glorious Prince of Capua, and there were present Lord Sergius, consul and duke of the city of Naples, and lord Pandulf, by the grace of God archbishop of the Capuan church. Likewise, the lord Atenulf, abbot, and lord Bernard, bishop of that See of Gaeta. Likewise, Landolf, son of Lady Gemma, and Leo, son of Lady Marozia, and Marinus, son of Lady Leo,[439] and Pope John, and Gregory of Salpi, and Peter, son of Marinus of Capua, inhabitants of that city of Gaeta. Likewise, also John, son of Leo of Fondi, duke, together with many illustrious men of the city of Capua and of the city of Naples, and likewise many other Gaetans.

[439] The Latin is qui dicitur de domna Gemma et Leo qui dicitur de domna Marocza et Marinu de domna Leo. Lady Leo makes no sense, alas.

I, Count Dauferius, was seeking to enter into those lands and woods and to have a share therein, on the grounds they contained our rights. Liuto the monk, on behalf of the monastery, opposed the aforesaid advocate.

I, the aforesaid Dauferius, with such things being heard, showed in the trial one document. This document, when read aloud, among other things contained:

John,[440] bishop, servant of the servants of God, to his most beloved sons Docibilis and John, dukes and consuls of the Gaetans, and through them to your posterity forever.

It ought always to belong to the office of justice and to the advancement of the Christian faith to keep watch pastorally, according to the rule of legal justice, over all Christian peoples, after the manner of the true shepherd Christ, who of His own accord laid down His life for the faithful. The highest and chief seat of the Apostles must always, day and night, keep watch over all Christian peoples. Not only over all things under the dominion of the church of the Prince of the Apostles [Peter], but also all things of the regular monastery. For the salvation of the Christian people, and for the love and charity of the Lord Christ, who set Himself even unto death.

The aforesaid sons of mine penetrated among the Saracens to defend the Christian people, especially those who were truly the servants of the apostles, and who had always been diligent in the service of the apostles, for the salvation of the Christian race. On account of that ready and true service which they rendered to me and to Christ and His apostles, and because they had offered themselves even unto death, with all their people, for the salvation of the apostles, they have won merits.

[440] Liverani believes this is John X. The traditional view expressed in the text is that this is John VIII. Assuming that this is not a forgery, on account of anachronisms, excessive claims, and departure from formula.

For this reason, and on account of that service, I grant and give to them and to their successors forever the whole and famous patrimony of Traietto with all its appurtenances, both from my apostolic authority, and also insofar as it belongs to Roman peoples under the right of the Roman church.

By the favour of almighty God, of whom I am vicar, I bestow this upon them in return for their faithful service, and for the defence of the Christian people. They fought the Saracens with all their power, and broke the peace for the love of God and His apostles, saving the whole land from the Saracens.

I give to them and to their successors forever the whole and famous city and land of Fondi, with all its appurtenances, with strongholds and villages, with hamlets and rivers and places and fisheries, and with churches and monasteries, situated in the territory of Fondi, and under the jurisdiction of the city of Fondi.

All the aforesaid things are to be theirs and their successors', given and granted forever, on account of the faithful service they rendered and are rendering to the church of the Prince of the Apostles.

From the reed-bed of Terracina, over Mount Dosatus, over St Vitus indirectly, and over the mountain called Chrispoli, and along the foot of the wood of Virone, and over Mount St Michael, called Altinus, and along Famnara and over the Two Lions, and up to the foul Caldana situated upon the Garigliano – everything within those boundaries, down to the shore of the sea, mountains and rivers, lakes, banks, churches, monasteries, cities, castles, villages, and hamlets, and woods, with all their appurtenances throughout the whole territory of Traietto and Fondi – was given and granted to the monastery and to their successors forever.

The whole and entire Traiectan territory with all its appurtenances, from apostolic authority and also from the Roman peoples', and churches, and monasteries under the duchy

and territory of Fondi, was given and granted by God and by Peter His Apostle, whose place the Pope held in the pontificate, until the end of the age.

That is, by the aforesaid boundaries:

From that foul Caldana, situated upon the Garigliano, and as it ran over the Two Lions, and over Famnara and over Mount Altinus of Saint Michael, and over the wood of Nerona and over the mountain called Chrispoli, and over Mount Dosatus, over St Vitus, and up to the reed-bed of Terracina.

Whatever had been within those boundaries, from the shore of the sea up to the aforesaid boundaries, cities and castles and villages and hamlets, and rivers and fisheries and banks and lakes, whatever had been and was pertaining to the whole Traiectan territory and Fondi, were theirs and their successors' forever, in every manner and order, just as the writing of concession and donation contained, by the hand of Melchisedec, notary of the holy Roman church, on the day before the Ides of June, in the fifth indiction.

On the day before the Ides of June, Theophylact, cleric of the holy Apostolic See, had written it, during the reign of his most pious lord, the emperor Augustus, Lo…, in the aforesaid fifth indiction.

That aforesaid grant, sealed with lead, contained other things.

How Theophylact, senator of the Romans, Gratian the duke, Gregory the duke, Austoald the duke, Sergius the *primicerius*, Stephen the s*econdicerius*, Sergius of Euphemia, Hadrian father of lord Pope Stephen [V],[441] and Stephen *primicerius* of the *defensores*, by command had sworn on it. Likewise, Stephen the bursar, and Theophylact the *sacellarius*, had sworn on it, by command of the lord John X, universal pope. Moreover, another seventeen more noble men swore they would seek Nicholas Stratelates of Langobardia,

[441] Stephen V died in 891. His father, of course, would have been long dead by the time of John X (914-928).

Gregory the Neapolitan consul, and Landolf the imperial patrician, and Atenulf and Guaimar the princes, John and Docibilis the glorious dukes, and the Gaetan dukes.

They had promised and sworn, and had caused the others to swear, and had confirmed the precept, by command of John X, universal pope, that which had been made by John VIII, universal pope, regarding the whole and entire Traiectan territory with all its appurtenances.

Moreover, the famous city and land of Fondi with all its appurtenances.

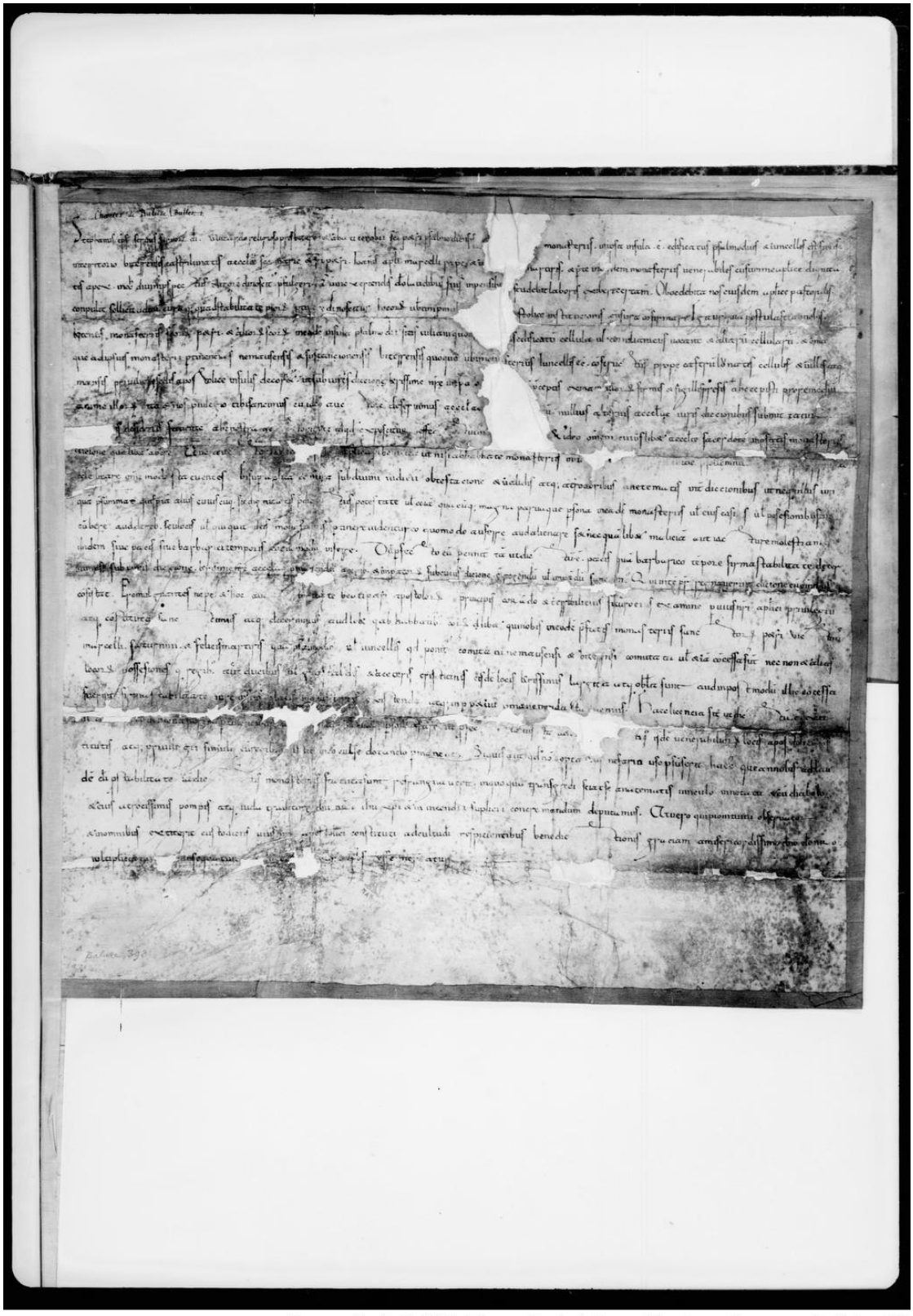
The lords themselves had striven and were striving for the love of the Christian faith to expel the Saracens from the whole territory of the apostles, and from the adjacent parts, and from all parts had fought and would fight, in every manner and order, just as that capitulary contained, sealed with lead.

When the writing had been read, I gave that capitulary into the hand of Pandulf the archbishop. Liuto, on behalf of the aforesaid monastery, gave into the hand of the archbishop, with the letter of the lord abbot, two precepts pertaining to the aforesaid monastery.

We declared on our part that beyond the writings and precepts we had no further grounds for contention.

[Text continues in Liverani].

Appendix B: Image of Stephen VII's Psalmody letter



Source gallica.bnf.fr / Bibliothèque nationale de France. Département des manuscrits. Baluze 398